INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

CASE CONCERNING SOVEREIGNTY OVER PULAU LIGITAN AND PULAU SIPADAN

(INDONESIA/MALAYSIA)

VOLUME II

Memorial of Indonesia

COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

AFFAIRE RELATIVE À LA SOUVERAINETÉ SUR PULAU LIGITAN ET PULAU SIPADAN

(INDONÉSIE/MALAISIE)

VOLUME II

Mémoire de l'Indonésie

Abbreviated reference:

I.C.J. Pleadings, Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), Vol. II

Référence abrégée:

C.I.J. Mémoires, Souveraineté sur Pulau Ligitan et Pulau Sipadan (Indonésie/Malaisie), vol. II

ISSN 0074-4433
ISBN 978-92-1-071074-9

Sales number
N° de vente: **963**

CASE CONCERNING SOVEREIGNTY
OVER PULAU LIGITAN AND PULAU SIPADAN
(INDONESIA/MALAYSIA)

AFFAIRE RELATIVE À LA SOUVERAINETÉ
SUR PULAU LIGITAN ET PULAU SIPADAN
(INDONÉSIE/MALAISIE)

INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

CASE CONCERNING SOVEREIGNTY OVER PULAU LIGITAN AND PULAU SIPADAN

(INDONESIA/MALAYSIA)

VOLUME II

Memorial of Indonesia

COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

AFFAIRE RELATIVE À LA SOUVERAINETÉ SUR PULAU LIGITAN ET PULAU SIPADAN

(INDONÉSIE/MALAISIE)

VOLUME II

Mémoire de l'Indonésie

IMPRIMÉ EN FRANCE
PRINTED IN FRANCE

This case, entered on the Court's General List on 2 November 1998 under number 102, was the subject of Judgments delivered on 23 October 2001 (*Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), Application for Permission to Intervene, Judgment, I.C.J. Reports 2001*, p. 575) and 17 December 2002 (*Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), Judgment, I.C.J. Reports 2002*, p. 625).

The documents relating to the case are being published in the following order:

Volume I. Special Agreement; Memorial of Indonesia.
Volume II. Memorial of Indonesia *(continuation)*.
Volume III. Memorial of Indonesia (Affidavits and Maps).
Volume IV. Memorial of Malaysia.
Volume V. Memorial of Malaysia (Maps).
Volume VI. Counter-Memorial of Indonesia.
Volume VII. Counter-Memorial of Malaysia; Reply of Indonesia.
Volume VIII. Reply of Malaysia; Application for Permission to Intervene by the Philippines; Written Observations of Indonesia and Malaysia; Verbatim Records of the Hearings.
Volume IX. Verbatim Records of the Hearings *(continuation)*.

For the purposes of this edition, the Court has decided that the written pleadings will be reproduced *in full*; it will therefore also include the documents annexed to those pleadings, which are not made available on the Court's website. The reproduction of all the annexed documents in this edition will enable practitioners to appreciate better the full scope of the arguments developed by the Parties in their written pleadings. As usual, the verbatim records of the public hearings appear after the pleadings; these verbatim records are published here in their final corrected versions, providing a useful supplement to the provisional versions made available on the Court's website.

Since the Court wishes to publish these documents as quickly as possible, it has been decided, where technically feasible, to reproduce the pleadings in the form in which they were submitted by the Parties.

Some documents in this edition have thus been scanned, and there are consequently two types of page numbering for the items included in these volumes: in addition to the normal continuous pagination, the original page numbers of the scanned documents are provided in brackets for reference purposes.

The Hague, 2010.

La présente affaire, inscrite au rôle général de la Cour sous le numéro 102 le 2 novembre 1998, a fait l'objet d'arrêts rendus le 23 octobre 2001 (*Souveraineté sur Pulau Ligitan et Pulau Sipadan (Indonésie/Malaisie), requête à fin d'intervention, arrêt, C.I.J. Recueil 2001*, p. 575) et le 17 décembre 2002 (*Souveraineté sur Pulau Ligitan et Pulau Sipadan (Indonésie/Malaisie), arrêt, C.I.J. Recueil 2002*, p. 625).

Les documents relatifs à cette affaire sont publiés dans l'ordre suivant :

Volume I. Compromis ; mémoire de l'Indonésie.
Volume II. Mémoire de l'Indonésie *(suite)*.
Volume III. Mémoire de l'Indonésie (déclarations sous serment et cartes).
Volume IV. Mémoire de la Malaisie.
Volume V. Mémoire de la Malaisie (cartes).
Volume VI. Contre-mémoire de l'Indonésie.
Volume VII. Contre-mémoire de la Malaisie ; réplique de l'Indonésie.
Volume VIII. Réplique de la Malaisie ; requête à fin d'intervention des Philippines ; observations écrites de l'Indonésie et de la Malaisie ; comptes rendus d'audience.
Volume IX. Comptes rendus d'audience *(suite)*.

*

Aux fins de la présente édition, la Cour a décidé que les pièces de la procédure écrite seront reproduites *intégralement* ; cette édition comprendra donc aussi les documents annexés auxdites pièces — qui ne sont pas mis en ligne sur le site Internet de la Cour. La reproduction de l'ensemble des documents annexés dans cette édition permettra aux praticiens de mieux apprécier, dans toute sa portée, l'argumentation développée par les parties dans leurs écritures. Comme à l'accoutumée, les comptes rendus des audiences publiques sont publiés à la suite des pièces de procédure écrite ; ces comptes rendus apparaissent ci-après dans leur version finale corrigée — qui complète ainsi utilement la version provisoire mise en ligne sur le site de la Cour.

La Cour souhaitant que lesdits documents paraissent aussi rapidement que possible, il a été décidé, chaque fois que les moyens techniques le permettraient, de reproduire les pièces de procédure en l'état où elles ont été présentées par les parties.

Ainsi, certaines pièces de la présente édition ont été scannées et, de ce fait, les titres courants du présent ouvrage comportent deux genres de folios : outre la pagination continue habituelle, on trouvera, entre crochets, la pagination d'origine des pièces scannées, à laquelle il faudra se reporter en cas de renvoi.

La Haye, 2010.

CONTENTS — TABLE DES MATIÈRES

Page

Memorial of Indonesia *(continuation)* — Mémoire de l'Indonésie *(suite)*

Annexes to the Memorial of Indonesia

Annex 57. Proceedings of the Joint Commission appointed by the British and Netherlands Governments for considering the Question of the Boundary between the Netherland Indian Possessions on the Island of Borneo and the Territory belonging to the British North Borneo Company, First Meeting, 16 July 1889 . . . 3

Annex 58. Proceedings of the Joint Commission appointed by the British and Netherlands Governments for considering the Question of the Boundary between the Netherland Indian Possessions on the Island of Borneo and the Territory belonging to the British North Borneo Company, Second Meeting, 19 July 1889 . . . 16

Annex 59. Proceedings of the Joint Commission appointed by the British and Netherlands Governments for considering the Question of the Boundary between the Netherland Indian Possessions on the Island of Borneo and the Territory belonging to the British North Borneo Company, Third Meeting, 27 July 1889 . . . 29

Annex 60. Memorandum from Count Bylandt to Lord Salisbury dated 2 April 1890 . . . 34

Annex 61. Memorandum on the Southern Boundary of the Territory of the British North Borneo Company, enclosing map, by B. Kindersley, Secretary of the British North Borneo Company, dated 22 July 1890 . . . 36

Annex 62. Despatch from Lord Salisbury to Count de Bylandt dated 13 August 1890 . . . 41

Annex 63. Despatch from Lord Salisbury to Sir H. Rumbold dated 29 December 1890 . . . 44

Annex 64. Despatch from Mr. Greene to Lord Salisbury dated 4 January 1891 . 46

Annex 65. Despatch from Mr. Hartsen to Mr. Greene dated 20 January 1891 . 48

Annex 66. Despatch from Sir P. Currie to the Admiralty dated 28 January 1891 . . . 50

Annex 67. Despatch from Count Bylandt to Lord Salisbury dated 2 February 1891 . . . 52

Annex 68. Despatch from Lord Salisbury to Count Bylandt dated 11 February 1891 . . . 55

Annex 69. Despatch from E. MacGregor, Admiralty, to the Foreign Office dated 20 February 1891 . . . 59

  Despatch from Lord Salisbury to Sir G. Bonham dated 25 February 1891 . . . 59

  Despatch from E. MacGregor, Admiralty, to the Foreign Office dated 25 February 1891 . . . 59

  Despatch from Sir G. Bonham to Lord Salisbury dated 27 February 1891, enclosing letter from Sir G. Bonham to Mr. M. Hartsen dated 27 February 1891 . . . 60

  Despatch from Sir H. Rumbold to Lord Salisbury dated 8 April 1891, enclosing letter from Mr. M. Hartsen to Sir H. Rumbold dated 7 April 1891 . . . 61

Page

Despatch from Sir P. Currie, Foreign Office, to Admiralty dated 10 April 1891 62
Despatch from Lord Salisbury to Sir C. Smith dated 17 April 1891 . . . 63
Despatch from E. MacGregor, Admiralty, to the Foreign Office dated 15 April 1891 63
Despatch from Lord Salisbury to Sir H. Rumbold dated 17 April 1891 . 63
Despatch from Lord Salisbury to Sir C. Smith dated 18 April 1891 . . . 63

Annex 70. Letter from B. Kindersley, Secretary, British North Borneo Company, to the Foreign Office dated 21 February 1891 64

Annex 71. Despatch from Count Bylandt to Lord Salisbury dated 2 May 1891 67

Annex 72. Despatch from Lord Salisbury to Count Bylandt dated 25 May 1891 69

Annex 73. Despatch from Count de Bylandt to Lord Salisbury dated 9 June 1891 72

Annex 74. Despatch from Lord Salisbury to Count de Bylandt dated 12 June 1891 74

Annex 75. Convention between Great Britain and the Netherlands defining Boundaries in Borneo dated 20 June 1891 76

Annex 76. *Observations on Spot near North Point of East Nonokong Island* by Commander A. Mostyn Field dated 1 July 1891 80

Annex 77. *Explanatory Memorandum on the Ratification of the Convention concluded in London on 20 June 1891 between the Netherlands and Great Britain and Ireland to define the boundaries between the possessions of the Netherlands in the island of Borneo and the States in that island which are under British protection*, dated 25 July 1891, Second Chamber of the States General Official Records, 1890-1891 Session, No. 187 (English translation) . . 84

Annex 78. Letter from E. MacGregor, Admiralty, to the Foreign Office dated 24 September 1891, enclosing letter from Lieutenant-Commander J. Heugh to Vice-Admiral Sir W. Richards dated 23 June 1891 and letter from Commander A. Mostyn Field to the Admiralty dated 30 June 1891 91

Annex 79. Despatch from Lord Salisbury to Sir H. Rumbold dated 27 October 1891 94

Annex 80. Letter from Sir G. Bonham to Lord Salisbury dated 4 December 1891, enclosing letter from E. van Tienhoven to Sir H. Rumbold dated 1 December 1891, translation of letter from Vice-Admiral Röell to the Governor-General of Netherlands India dated 27 July 1891 and Report of Dutch Surveying-vessel *Banda* of 30 May and 11 July 1891 96

Annex 81. Despatch from Sir H. Rumbold to Lord Salisbury dated 26 January 1892 101

Annex 82. Despatch from Sir H. Rumbold to Lord Salisbury dated 23 February 1892 103

Annex 83. Despatch from Sir H. Rumbold to Lord Salisbury dated 9 March 1892 111

Annex 84. Despatch from Sir H. Rumbold to Lord Salisbury dated 18 March 1892, enclosing full translation of the debate that took place in the Second Chamber of the States General on 8 March 1892 entitled *Ratification of the Convention concluded in London on the 20th June 1891 between the Netherlands and Great Britain and Ireland for fixing the boundaries between the Netherlands possessions in the Island of Borneo and the States in that Island which are under the protection of Great Britain* 113

Page

Annex 85. *Final Report of the Committee of Rapporteurs on the Bill to ratify the Agreement concluded between the Netherlands and Great Britain and Ireland to fix the boundaries between the possessions of the Netherlands on the island of Borneo and the States on that island which are under British protection*, adopted on 31 March 1892 (English translation) 161

Annex 86. Proceedings of 15th meeting of the First Chamber of the States General, 1891-1892, 1 April 1892 (English translation) 163

Annex 87. Letter from Governor's Office British North Borneo Company, Sandakhan, to British North Borneo Company, London, dated 26 April 1892 . 168

Annex 88. Dutch Decree of ratification of the Anglo-Dutch Convention of 20 June 1891 (English translation). 171

Annex 89. Survey by H.M.S. *Egeria*, *The British North Borneo Herald*, 1 November 1892 173

Annex 90. Notes made by the Captain of the *Egeria* during Survey in 1892 . 181

Annex 91. Conventions between the Government of the Netherlands East Indies and Native Princes in the East Indian Archipelago communicated by Baron van Goltstein 26 February 1895 (English translation) 192

Annex 92. Letter from Commissioner of Land British North Borneo Company, Sandakhan, to British North Borneo Company, London, dated 8 July 1898. 197

Annex 93. Treaty of Peace between the United States of America and the Kingdom of Spain dated 10 December 1898 201

Annex 94. Treaty between the United States and Spain for the Cession to the United States of any and all islands of the Philippine Archipelago lying outside of the lines described in Article III of the Treaty of Peace of December 10, 1898 dated 7 November 1900 211

Annex 95. Letter from U.S. Acting Secretary of War to U.S. Secretary of State dated 15 October 1901 215

Annex 96. Letter from U.S. Secretary of State to U.S. Secretary of the Navy dated 21 October 1901 217

Annex 97. Log book of U.S.S. *Quiros* dated 27 November 1902 to 23 June 1903 220

Annex 98. Letter from the U.S. Secretary of State to the Secretary of the Navy, dated 3 April 1903 243

Annex 99. Agreement between the Sultan of Sulu and the British North Borneo Company dated 22 April 1903 (English translation) 261

Annex 100. Correspondence from the Captain of U.S.S. *Quiros* dated 19 and 24 June 1903 263

Annex 101. Log book of U.S.S. *Quiros* dated 24 June 1903 to 13 January 1904 270

Annex 102. Letter from British North Borneo Company to Foreign Office dated 13 July 1903 291

Annex 103. Cable to U.S. Naval Department dated 1 August 1903 299

Annex 104. Letter from U.S. Secretary of State to Acting Secretary of War dated 23 October 1903 301

Annex 105. Report by Commander of the Hydrographic Surveying vessel HNLMS *Makasser* dated 26 November 1903 (Dutch version and English translation) 304

Annex 106. Letter from U.S. Secretary of State to Secretary of the Navy dated 2 March 1904 312

Annex 107. Letter from Secretary of the Navy to Commander-in-Chief, U.S. Asiatic Fleet, dated 11 March 1904 314

Page

Annex 108. Letter from Commander-in-Chief, U.S. Asiatic Fleet, to Secretary of the Navy, dated 24 April 1904 316
Annex 109. Foreign Office Memorandum, entitled *The claim of the British North Borneo Company to certain islands lying off the coast of Borneo which were formally taken possession of by the American warship* Quiros *in 1903*, dated 10 March 1905 318
Annex 110. Memorandum from British Ambassador, Washington, to U.S. Secretary of State, dated 23 June 1906 329
Annex 111. Letter from the Director of Coast Surveys dated 13 October 1906 332
Annex 112. Letter from U.S. Secretary of State to British Ambassador, Washington dated 19 December 1906 335
Annex 113. Letter from British Ambassador to U.S. Secretary of State dated 3 July 1907 337
Annex 114. Letter from U.S. Secretary of State to British Ambassador dated 10 July 1907 340
Annex 115. Communication by the Netherlands *Chargé d'affaires* dated 19 November 1910 343
Annex 116. Letter from the Admiralty to Under Secretary of State, Foreign Office, 5 March 1914 347
Annex 117. Letter from the Secretary General of the Dutch Ministry of Foreign Affairs to Sir A. Johnstone, Foreign Office, dated 7 April 1914 . . 349
Annex 118. Agreement between the United Kingdom and the Netherlands relating to the Boundary between the State of North Borneo and the Netherland Possessions in Borneo signed in London on 28 September 1915 . 352
Annex 119. Turtle Preservation Ordinance of 1 June 1917 361
Annex 120. Extract from a letter from the Commanding Officer of HMS *Lynx* dated 4 January 1922 (Dutch version and English translation) 364
Annex 121. Foreign Office Memorandum entitled *Administration by British North Borneo Company of certain United States islands* dated 23 November 1922 385
Annex 122. Counter-Memorandum submitted by the Netherlands in the *Island of Palmas* case, Permanent Court of Arbitration, 1926, Annex I, "The Status of the East-India Company Conventions with Native States" 392
Annex 123. Foreign Office Memorandum entitled *Boundary between British North Borneo and the Philippines*, with map, dated July 1927 404
Annex 124. ***Enciclopedia Universal Ilustrada Espasa***, Madrid, 1927, pp. 794-795 (Spanish version with English translation) 419
Annex 125. Convention between His Majesty in respect of the United Kingdom and Her Majesty the Queen of the Netherlands respecting the Delimitation of the Frontier between the States in Borneo under British Protection and Netherlands territory in that Island dated 26 March 1928 . . 426
Annex 126. Convention between the United States of America and Great Britain delimiting boundary between the Philippine Archipelago and the State of North Borneo and exchanges of notes regarding certain islands off the coast of Borneo dated 2 January 1930, and attached Charts Nos. 4707 and 4720, published by the United States Coast and Geodetic Survey, corrected to July 24 1929, depicting the boundary line agreed in the Convention 432
Annex 127. Memorandum on Hydrographic Surveying Activities by the Royal Netherlands Navy in the Netherlands Indies, dated 16 February 1948 (Dutch version and English translation) 451

Page

Annex 128. Act No. 4 concerning Indonesian waters of 18 February 1960, in the *State Gazette* 1960, No. 22 (Indonesian version and English translation) . 470

Annex 129. Production Sharing Contract between P.N. Pertambangan Minjak Nasional and Japan Petroleum Exploration Co., Ltd. dated 6 October 1966 488

Annex 130. Ministry of Lands and Mines, *Annual Report of the Geological Survey, Borneo Region, Malaysia,* 1967, p. 30 511

Annex 131. Oil Prospecting Licence issued by the Minister of Natural Resources of the State of Sabah to Sabah Teiseki Oil Company SDN. BHD. dated 1 July 1968 514

Annex 132. Report of the Delegation of the Republic of Indonesia to the Meeting Concerning Delimitation of the Continental Shelf Boundary Between Indonesia and Malaysia, Held in Kuala Lumpur from 9 to 22 September 1969 (English translation) 520

Annex 133. Press Statement by the Indonesian and Malaysian Delegations to the Talks on the Delimitation of the Continental Shelves between Malaysia and the Republic of Indonesia, Kuala Lumpur, dated 22 September 1969 . 533

Annex 134. Letter from Prof. Mahyuddin bin Haji Mohd. Zain, Secretary, Ministry of Lands and Mines, Malaysia, to Professor Dr. Mochtar Kusumaatmadja, Leader of the Indonesian Delegation to the Malaysian/Indonesian Negotiation on the Continental Shelf Boundaries, dated 22 September 1969 535

Annex 135. Letter from Professor Dr. Mochtar Kusumaatmadja, Leader of the Indonesian Delegation to Prof. Mahyuddin bin Haji Mohd. Zain, J.S.M., Secretary, Ministry of Lands and Mines, Malaysia, Kuala Lumpur, dated 22 September 1969 537

Annex 136. Agreement between the Government of the Republic of Indonesia and the Government of Malaysia Relating to the Delimitation of the Continental Shelves between the Two Countries, dated 27 October 1969, including map entitled "Continental Shelf and Territorial Sea Boundaries, Indonesia-Malaysia, Boundary Report 5-9(1)" in Charney, J.I., and Alexander, L.M., *International Maritime Boundaries,* Vol. I, ASIL/Nijhoff, 1991, pp. 1019-1024 539

Annex 137. Malaysia's *Emergency (Essential Powers) Ordinance No. 7, 1969, as amended in 1969,* UN Legislative Series, ST/LEG/SER.B/16 546

Annex 138. Survey Report by Major (Navy) Sutoto dated 29 July 1970 549

Annex 139. Statement by the Honourable Tan Sri Dato Haji Abdul Kadir Bin Yusof, Attorney-General of Malaysia, to the Plenary Session of the Third United Nations Conference on the Law of the Sea at Caracas on 10th July 1974 555

Annex 140. Indonesian *note verbale,* D 0118/80/29, dated 8 February 1980 . 563

Annex 141. Malaysian *note verbale,* AT 114/80, dated 27 March 1980 566

Annex 142. Indonesian *note verbale,* D 386/88/29, dated 7 May 1988 569

Annex 143. Report No. R/745/XI/1990 by Chief of Staff of Navy Forces concerning *Development of the border matters of the Sipadan and Ligitan Islands and Navy Ships named KAL Mahakam,* dated 19 November 1990 . 572

Annex 144. Telegraphic message from Chief of Armed Forces (Indonesia) to Commander of East Fleet dated 3 December 1990 (Indonesian version and English translation) 575

Annex 145. Official Note from the Assistant For Operation to the General Chief of Staff to the General Chief of Staff, Affairs of Armed Forces, Note No. B/ND/035/I/92/OPS, dated 17 January 1992 578

Annex 146. Malaysian *note verbale,* AT 29/92, dated 24 March 1992 580

Page

Annex 147. Indonesian *note verbale*, D 241/1992/04, dated 15 April 1992 . . 583
Annex 148. Malaysian *note verbale*, AT 42/92, dated 21 April 1992 589
Annex 149. Malaysian *note verbale*, AT 68/92, dated 19 May 1992 592
Annex 150. Malaysian *note verbale*, ES 110/92, dated 11 August 1992 596
Annex 151. Malaysian *note verbale*, 139/92, dated 21 September 1992 600
Annex 152. Brochure entitled *Malaysia: Fascinating Adventures*, dated September 1992 604
Annex 153. Malaysian *note verbale*, AT 175/92, dated 4 December 1992 . . . 608
Annex 154. Malaysian *note verbale*, AT 176/92, dated 4 December 1992 . . . 612
Annex 155. Indonesian *note verbale*, PO 846/92/29, dated 19 December 1992 616
Annex 156. Malaysian *note verbale*, AT 1/93, dated 7 January 1993 620
Annex 157. Malaysian *note verbale*, AT 20/93, dated 12 March 1993 623
Annex 158. Indonesian *note verbale*, PO 247/93/29, dated 2 April 1993 . . . 628
Annex 159. Malaysian *note verbale*, AT 23/93, dated 8 April 1993 631
Annex 160. Indonesian *note verbale*, PO 345/93/29, dated 5 May 1993 . . . 634
Annex 161. Malaysian *note verbale*, AT 31/93, dated 12 May 1993 637
Annex 162. Malaysian *note verbale*, AT 32/93, dated 12 May 1993 [erroneously dated 12 March 1993] 641
Annex 163. *Resume of a Site Visit to Sipadan Island as a report to Head of Bulungan Regency*, dated 6 June 1993 645
Annex 164. Indonesian *note verbale*, 302/93/29, dated 17 June 1993 648
Annex 165. Malaysian *note verbale*, AT 40/93, dated 23 June 1993 652
Annex 166. Malaysian *note verbale*, AT 41/93, dated 23 June 1993 656
Annex 167. Malaysian *note verbale*, AT 64/93, dated 28 July 1993 661
Annex 168. Malaysian *note verbale*, AT 81/93, dated 23 August 1993 . . . 665
Annex 169. Indonesian *note verbale*, PO 698/93/29, dated 24 August 1993 . . 668
Annex 170. Indonesian *note verbale*, PO 962/93/24, dated 23 November 1993 671
Annex 171. Malaysian *note verbale*, AT 1/94, dated 3 January 1994 674
Annex 172. Malaysian *note verbale*, AT 2/94, dated 3 January 1994 685
Annex 173. Indonesian *note verbale*, PO 041/94/29, dated 25 January 1994 . 689
Annex 174. Malaysian *note verbale*, AT 13/94, dated 22 February 1994 . . . 692
Annex 175. Letter from J.C.R. Gray, Chargé d'Affaires, British Embassy in Jakarta, to Bpk Kusnadi Pudjiwinarto, Director, Asia and Africa Affairs [Government of Indonesia] dated 29 July 1994 695
Annex 176. Indonesian *note verbale*, 503/94/29, dated 6 September 1994 . . 697
Annex 177. *Business Times*, 15 December 1994, "38 Marine Parks gazetted" by Mary Zachariah 705
Annex 178. Booklet entitled *Visit Malaysia Year 1994 — The Traveller's Guide to Malaysia's Fascinating Treasures* 709
Annex 179. *Reports of Electrical Battery Buoy Maintenance*, produced by the Department of Transportation, Tarakan, dated 20 March 1995, 23 February 1995, 31 May 1996, 27 June 1997, 14 March 1998 712
Annex 180. Indonesian *note verbale*, 236/PO/IV/95/29, dated 17 April 1995 723
Annex 181. *Description of Alert Reef* prepared by the Head of Hydro-Oceanography Services 725
Annex 182. Note R/49/LK/II/1992/DITPAM, Special Report from headquarters, Indonesian Navy, Directorate of Security, Defense and Security Division, on Marine Security, Sipadan, Ligitan and Sebatik Waters 727
Annex 183. Borneo Divers' Web site page 730

CASE CONCERNING SOVEREIGNTY OVER PULAU LIGITAN AND PULAU SIPADAN

(INDONESIA/MALAYSIA)

MEMORIAL

SUBMITTED BY

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

Volume 3

(Annexes 57 to 118)

2 NOVEMBER 1999

Annex 57

PROCEEDINGS OF THE JOINT COMMISSION APPOINTED BY THE BRITISH AND NETHERLANDS GOVERNMENTS FOR CONSIDERING THE QUESTION OF THE BOUNDARY BETWEEN THE NETHERLAND INDIAN POSSESSIONS ON THE ISLAND OF BORNEO AND THE TERRITORY BELONGING TO THE BRITISH NORTH BORNEO COMPANY,

FIRST MEETING, 16 JULY 1889

CONFIDENTIAL.

Proceedings of the Joint Commission appointed by the British and Netherland Governments for considering the question of the Boundary between the Netherland Indian Possessions on the Island of Borneo and the Territory belonging to the British North Borneo Company.

First Meeting, held at the Foreign Office, July 16, 1889.

Present:

For Great Britain—
  Sir Philip W. Currie, K.C.B.
  Sir Edward Hertslet, C.B.—

For the Netherlands—
  Count de Bylandt.
  M. A. H. Gysberts.

The following gentlemen also attended for the purpose of furnishing information to the Delegates, viz.:—

Attached to the British Delegates—
  Sir Rutherford Alcock, K.C.B.
  Captain Johnson, R.N.

Attached to the Dutch Delegates—
  M. A. E. Elias.
  Captain Moreau.

THE Commission having met, *Sir P. Currie* made the following statement with regard to the bases on which it had been agreed between the two Governments that the Commission should be appointed:—

"This Joint Commission has been appointed by the British and Netherland Governments to take into consideration the question of the disputed boundary between the Netherland Indian possessions on the north-east coast of the Island of Borneo and the territory belonging to the British North Borneo Company.

"A desire has been expressed by the Netherland Government that the boundaries of the States of Sarawak, Brunei, and the British North Borneo Company respectively, which have recently been placed under British protection, should be clearly defined; and it has therefore been agreed between Her Majesty's Government and the Netherland Government that the Delegates should meet and discuss the merits of the boundary question on the following bases:—

"That the Commission should determine the following points:—

"1. Whether the Sultan of Boelongan had a right to claim, as a dependency of his State, the State of Tidoeng, in which Batu Tinagat and the River Tawao are declared by the Dutch to be situated; and to place the same under Dutch protection.

"2. Whether the Sultan of Sulu had a right to claim territory as far south as the Sibuco River, and to cede the same to Messrs. Dent and Overbeck, who handed over their Concessions to the British North Borneo Company.

"3. What was the actual position of the Sibuco River, which was alluded to in the Dent and Overbeck Concessions.

"It has been further agreed that all matters connected with the rights of the local Sultans, and the limits of their respective States, at the time when the grants were made by the Sultans of Sulu and Brunei, respectively, to Messrs. Dent and Overbeck, as well as all the points of the frontier which have been under dispute, shall be open to discussion by the British and Netherland Delegates; and, further, that, in the event of a satisfactory understanding being arrived at with regard to the disputed boundary between the Netherland Indian Government and the British North Borneo Company, on the north-east coast, in the neighbourhood of the Sibuco River, the British and Netherland Governments will proceed without delay to define, short of making an actual survey, and marking the boundary on the spot, the inland boundary-lines which separate the Netherland possessions in Borneo from the territories belonging to the States of Sarawak.

Brunei, and the British North Borneo Company respectively."

Sir P. Currie then proposed that Sir E. Hertslet should first read to the Commission a paper which had been drawn up, setting forth the grounds on which the right of the British North Borneo Company to the territory in dispute is based.

This having been agreed to, *Sir E. Hertslet* read the following Statement, of which a copy was then communicated to the Netherland Delegates:—

Parliamentary Paper No. 2514, p. 118.

"The British Government maintain:—

"1. That before the year 1800 the Sultan of Sulu owned territory on the north-east coast of Borneo, as far south as the 1st degree of north latitude, including Berou, Boelongan, and the Tidoeng territories.

Ibid., pp. 180, 181.

"2. That a portion of this territory was ceded by the Sultan of Sulu to the East India Company in 1764 and 1769; although these Treaties have been allowed to lapse.

"3. That the Sultan of Sulu claimed the territory of Tidoeng, which is said to have been ceded by the Sultan of Boelongan to the Dutch.

"4. That the Dutch admitted, in their Decree of the 28th February, 1846, that the Sulu territory extended at that time as far south as the 3rd degree of north latitude, which would include the whole of the Tidoeng country, and, consequently, the Sibuco River.

"5. That the Sulu Sultans have done nothing to forfeit their claim to any portion of this territory.

Parliamentary Paper No. 2513, p. 16.

"6. That the independence of the Sultan of Sulu was recognized by the Dutch as recently as the 17th August and 9th October, 1880.

"7. That, at the time of the Dent and Overbeck Concessions, Acting Consul-General Treacher reported that the territory mentioned in the grants made to them was 'actually under Sulu rule, and occupied by Sulu Chiefs.'

Parliamentary Paper No. 2514, pp. 117, 118.

"8. That the Sultan of Sulu had therefore a perfect right to cede the portions of the territory which he did, in the Tidoeng district, 'as far as the Sibuco River,' to Messrs. Dent and Overbeck.

Parliamentary Paper No. 2513, p. 11.

"9. That the British Government have never recognized any other rights over the north-east coast of Borneo than those claimed by the Sultans of Sulu and Brunei.

"10. That the cessions made by the Sultans of Sulu and Brunei to Messrs. Dent and Overbeck on the 29th December, 1877, and the 22nd January, 1878, included Batu Tinagat, the Tawao River (although these places were not specially mentioned therein), and all the territory on the north-east coast, as far south as the Sibuco River' (without specifying exactly where that river was situated), as well as all the islands within 3 leagues of the coast belonging thereto.

"11. That the Dutch flag had never been hoisted in any of the rivers to the north of Bulungan, that is to say, in any part of the Tidoeng country, previous to the date of the Contract with the Sultan of Bulungan of the the 2nd June, 1878, which Contract was signed after the date of the Dent and Overbeck Concessions of the 29th December, 1877, and the 22nd January, 1878.

Mr. Cook, September 8, 1887.

"12. That in an official Colonial Report laid before the Netherland States-General in 1877 it was stated that the Sumajeh (which is separated from the Sibuco by two other river districts) was the northernmost boundary of the Dutch possessions on the east coast of Borneo.

"13. That the Sibuco River mentioned in the Dent and Overbeck Grants was that situated in about 4° 4' north latitude, and was not the 'Sibuco' incorrectly marked on the Admiralty Chart about that date as being near Tawao River before any survey had been made.

"14. That the secret Dutch Decree ordering the Dutch flag to be hoisted at Batu Tinagat was not issued until the 21st July, 1879 (after the issue of the Dent and Overbeck Concessions of the 29th December, 1877, and the 22nd January, 1878); and that on the 4th July, 1883, the Resident of the British North Borneo Company formally protested to the Dutch Commandant against the hoisting of the Dutch flag on the Tawao River: that position being within the boundaries of the territory of the Company as ceded to them by the Sultan of Sulu.

"15. That a Royal Charter was granted to the British North Borneo Company on the 1st November, 1881, in which the cessions made to the Company by the Sultans of Sulu and Brunei were fully set forth.

"16. That on the 7th September, 1883, the flag of the British North Borneo Company was hoisted on the south bank of the Sibuco River in north latitude about 4° 6', and the fact of the Company's claim thereto recorded by cutting the letters 'B. N. B. 83' on a mangrove tree.

"17. That the representative of the Netherland Government was so informed, in writing, by Mr. Treacher, at that time Governor of the British North Borneo Company, on the following day (6th September, 1883), when the position of the Sibuco River was pointed out to that official on a Dutch Chart.

"18. That on the same day (6th September, 1883) another formal protest was handed to the Dutch Controller at Tawao against the hoisting of the Dutch flag on the Tawao River.

"19. That on the 12th May, 1888, an Agreement was entered into between Her Britannic Majesty's Government and the British North Borneo Company, in which it was stated that the Company's territory, therein called 'the State of North Borneo,' comprised all the territories specified in the Royal Charter of Incorporation of the 1st November, 1881.

"20. That in a *Map* published in 1842 by special permission of the King of the Netherlands, and under the superintendence of the Colonial Minister, the territory of Sulu was coloured as extending as far south as about 2° 40'.

"21. That in a *Map* published by Lieutenant Melvill de Carnbee, of the Dutch navy, in 1848, the Atas River was marked as being the northern boundary of the Dutch possessions.

"22. That in another *Map* published by Lieutenant Baron Melvill de Carnbee in 1848 the Atas River was again marked as being the northern boundary of the Dutch possessions; as separating the Tidoeng territory from Boelongan territory; and the territory above that river as belonging to the Sultan of Sulu.

"23. That in a *Map* prepared by Petermann in 1851, and issued to the subscribers of the Borneo Church Mission, the territory belonging to the Sultan of Sulu was marked as commencing from the north of the Atas River.

"24. That in a *Map* published at Breda in 1857 the territory of the Sultan of Sulu was also marked as commencing from the north bank of the Atas River, and as if that river separated the Tidoeng territory from Boelongan territory.

"25. That in a Map published by Kuijper in 1868 the Tidoeng country was coloured as being situated outside the Dutch boundary.

"26. That the north-east coast of Borneo has never been carefully surveyed, and that consequently the position of the Sibuco River, until very recently, has been incorrectly drawn on British, Dutch, and other Charts; and

"27. That the Sultan of Boeloengan had no legal authority to place under Dutch protection territory in the Tidoeng country which belonged to the Sultan of Sulu.

"A copy of the Royal Charter of Incorporation of the 1st November, 1881, in which the grants made to Mr. Dent and another are fully described; a copy of the Agreement entered into between Her Britannic Majesty's Government and the British North Borneo Company on the 12th May, 1888; and tracings from the Maps above alluded to, are now placed before the Joint Commission."

Count de Bylandt observed, with regard to the Maps mentioned in this Statement, that he did not consider it was worth while to go back to Maps or Charts of so old a date as 1842. He stated that the Dutch claimed nothing more than the frontier they had acquired in 1850 through Agreement with the Sultan of Boeloengan; that Baron Overbeck, a private individual, had arrived in Borneo, and without consultation with the Netherland authorities, had laid down the boundaries of Sulu in accordance with what was stated to be an official Dutch Chart. This Chart, the date of which was not mentioned, Count de Bylandt said he had no knowledge of, and would like to see it if it could be produced.

Sir E. Hertslet observed that it was not until the 31st July, 1879, that the Dutch Government determined by a secret Decree to hoist their flag for the first time at Batu Tinagat, subsequent to the date of the Dent and Overbeck Concessions, and that the mere fact of the Dutch flag having been hoisted in a place belonging to Sulu would not make that place Dutch territory.

Count de Bylandt admitted this to be correct in principle.

Sir P. Currie pointed out that the real question at issue was, on the one hand, what were the limits of the Sultan of Sulu's territory; and, on the other hand, what were the limits of the Sultan of Boeloengan's territory.

Count de Bylandt assented. He remarked that a distinct proof of the fact that Tidoeng did not belong to Sulu was that the population paid taxes to the Sultan of Boeloengan; that they had often claimed protection from the Netherland authorities; and had themselves denied that they had any relations with Sulu.

M. Gysberts stated that special stress seemed to be laid on the assertion that the Dutch flag had not been hoisted at Batoe Tinagat before 1879. In answer, he could state that the Dutch flag had been hoisted throughout all the Tidoeng countries in 1849, as was proved by the following communication from the Dutch Resident in Borneo, which was read to the Commission:—

M. Gallois to the Governor-General of Netherland India.

"*Banjermasin*,

"(Translation.) *August* 24, 1849.

"I take the liberty to forward herewith to your Excellency a copy of a letter of the Civil Commander of Koetei and the East Coast of Borneo, dated the 22nd May last, with Annexes, to the contents of which I refer myself.

"The said Commander, having visited on his last journey the said localities, found the Province of Tidoeng stood under Beroe and Boeloengan, and arrived, in consequence, to the very plausible conclusion that, from want of local knowledge, an incorrect statement had been made in the Government Decree of the 28th February, 1846.

"The Kampong Atas, mentioned as being the frontier between Boeloengan and Tidoeng, is situated to the north of Tidoeng, and is therefore the frontier between Tidoeng and the country of Solok.

"I have therefore the honour to submit to your Excellency's approbation the actions of the above-mentioned Civil Commander, and to suggest that the said Government Decree should be altered.

"The Resident in charge,
(Signed) "GALLOIS."

"*H. von Dewall to the Resident of the South and East Coast of Borneo.*

"*On board of the Government's schooner 'Nicht,' sailing along the Coast of Berou, May 22, 1849.*

"Article 2 of the Government's Decree of the 28th February, 1846, states that the territory of the east coast of Borneo shall extend in northerly direction up to Kampong Atas, forming the frontier of the Sultanate of Boeloengan, which is under Berou, and the territories of Tidoeng, and situated about 3° 20' northern latitude.

"I had already heard with some certainty at Koetei that Atas was the first place belonging to Solok to the north of Tidoeng, and that the country of Solok was independent.

"In Berou I was informed later that both Boeloengan and Tidoeng were in former times belongings of Berou, but that, by marriages of Boeloengan Princes with Berou Princesses, Boeloengan became in time and tacitly an independent Principality which assumed the supremacy over the Tidoeng territories.

"The Amiril of Boeloengan declared he was the legal Sovereign of Tidoeng, and that Atas was the first Settlement ('Kampong') on Solok territory. He mentioned to me the following eight Tidoeng Princes, which are independent from each other, as being his vassals and relatives:—

"Pangeran Khahar, Chief of the River Sekattakh-Djilendjan;

"Pangeran Besar, Chief of the River Sekattakh-Boedjie;

"Pangeran Dipattie, Chief of the River Betayan;

"Pangeran Mohhammad, Chief of the Kampong Sesayap, and dependencies of the River Sebaowang;

"Panlabahan, Chief of the Kampong Sebaowang, and of the countries situated above the river of the same name.

"Pangeran Djamalul, Chief of the people of the Island of Tarakkan, at present temporarily within ('binnen') the River Sambakkoeng;

"Dato Mahamdjah Dindah, Chief of the River Sambakkoeng;

"Pangeran Moeda, Chief of the Island of Nanoekkan.

"Now I did not doubt any longer that Tidoeng, being a dependency of Boeloengan or Berou, was Netherland territory, and that the situation of Atas, as given in the above-mentioned Decree, was incorrect.

"I considered it, therefore, my duty to visit that country, and to confirm in it the Netherland authority.

"Before doing this I asked the Sultans of Berou and Boeloengan to give me a written declaration about their relation to each other, as well as about their relation to Tidoeng, in order to show this document to the Tidoeng Chiefs, and to hear their opinion about it. Both parties declare therein to be the legal Sovereigns of Tidoeng. Boeloengan denies also ever to have been dependent of Berou, which, on the contrary, the latter assures to have been the case.

"The Amiril of Boeloengan declares that the River Tawau, and Tandjoeng-Batoe-Tinagat, to the south of Atas, is the frontier of Solok territory.

"It was indifferent to me in the present case who of the two was right, as my only object was to prove beyond the possibility of contradiction, by an authentic document, that Tidoeng is a Netherland possession.

"Then I went to the different parts of that country in company with a relative and one Mantrie of the Amiril of Boeloengan, questioned every Chief, with the exception of those mentioned hereafter, before the assembled population, on the subject of their relation to the Sultans of Boeloengan and Berou, and made them acquainted with the relation of these Princes to the Government. All of them confessed to be subjects of the Sultan of Boeloengan. Thereupon, I made every one of them sign the declaration of the same, and handed to them, in the name of his Excellency the Governor-General, a Dutch flag, and a document in Malay letters of the following contents:—

"(My seal and signature.)

"'This Decree issued by me, the illustrious gentleman Von Dewall, commanding all the countries on the east coast of the Island of Kalamantan (Borneo), and specially from Tandjoeng Sielat to Batoe Tinagat, is given to Mr. N. N., who commands under the orders of the Sultan of Boeloengan on the River (or on the Island) N. N.

"'I hereby state that all Princes from the west to the south of the Island of Kalimantan (Borneo) both great and small, from Sambas to Boelongan inclusive, have placed themselves under the protection of the Netherland flag, and acknowledge that they are subject to the orders of that Government. I further hereby state that all Chiefs of the district of Tidoeng have acknowledged themselves as subject to the dominion of the Sultan of Boelongan, wherefore it is evident that the said Chiefs will also comply with whatever the Sultan of Boelongan may have agreed upon with the Government.

"'I further hereby state that I am unable to deliver any Netherland flags to those Chiefs of Tidoeng who have not yet met me.

"'And I now declare that I give, in the name of his Excellency the Governor-General of Netherland India, a Netherland flag to N. N., Chief on the River (or on the Island) N. N., to serve as a proof that they in effect stand under the protection of the Netherland flag.

"'The Netherland Government hereby further undertakes to protect them all, and to remove from them all persons who might be ill-disposed toward them.

"'I further give to N. N. the five following as my commands:—

"'1. You shall never rebel against the Netherland Government.

"'2. You shall not protect any pirates in the rivers.

"'3. You shall not receive in your rivers any Europeans for the purpose of settling, other than Dutchmen, and should Europeans establish themselves by force in your country, you shall give notice to the Sultan of Boelongan.

"'4. You shall give proper assistance to all vessels which strand in your waters, and you shall not make slaves of the persons on board, but shall deliver them to your Sultan.

"'5. You shall not molest the traders who may come with their ships into your waters, but shall give them proper assistance.

"'So be it.

"'Given at,' &c.

"The flags were accepted everywhere with deference and eagerness, and were flying immediately from the houses of the Chiefs. On my arrival within the River Sembakoeng, the Chief had left some days ago for Boelongan.

I therefore placed the flag in the hands of his father-in-law, Pangeran [illegible] [illegible]. I also heard in Sambaliong that the Chief of the Island of Nanoekkan was on his way to Boelongan; besides, I could not effectuate a crossing to that island in my row-boat. As this Chief had not yet arrived at Boelongan on my return to that place, I handed the flag to the Amiril himself.

"Before my departure to Tidoeng I met the Chief of Batayung at Boelongan, to whom I handed the flag on board of the Government schooner 'Niobé,' whilst a salute of twenty-one guns was fired, which was answered by the Amiril. Later on I visited the Pangeran Depattie at Batayung itself. On my arrival I found that the flag was hoisted.

"The faithfulness of the Tidoeng Princes to the Government ('Kompanie') is quite satisfactory. They consider the Government as their master and protector, above the Amiril of Boelongan.

"The Mohammedan population of Tidoeng is about 3,000; the population of [illegible] (a tributary 'Dayak' State) about 1,600. The other inland regions are well populated, but mostly independent.

"I forward herewith the above-mentioned declarations of the Sultans of Berou and Boelongan, and have the honour to request you should apply to the Government for the approbation of my doings in general, and also of the way in which I have made these as yet quite unknown States recognize and respect Dutch authority, and also to suggest that in the alteration of Article 2 of the Decree of the 28th February, 1846, the following statement should be made:—

"That the territory of the east coast of Borneo shall extend to the north upwards to the River Tawang and Tandjong-Batoe-Tinagat, which form the frontier between the dependency of Boelongan, Tidoeng, and the territories of Solok, and are situated to the south of the Solok Kampong Atas; and that also the Tidoeng Islands, Tarrakkan, Nanoekkan, and Sebittikh shall belong to it.

"Later details concerning Tidoeng and its population will be found, if wanted, in my journal from the 12th January last until the 5th instant.

"A Map showing the very curious inland water communication between the Kayan, the principal river of Bulungan, and all the Tidoeng rivers, will be forwarded by me at a later date.

"I could make no investigation as to the possibility of navigation along the coast of Tidoeng with the Government schooner 'Walid,' as I could not find a pilot, and time was not sufficient.

"The Civil Commander of Koetei, on
the East Coast of Borneo,
(Signed) "A. van Dewall."

Sir E. Hertslet having called attention to certain Dutch Maps which appeared to support the contention of Her Majesty's Government,

Count de Bylandt stated that there existed no official Dutch Maps whatever previous to that of 1887.

Captain Johnson observed, with regard to an old Admiralty Chart of the Borneo coast, to which reference had been made by Count de Bylandt, that he had ascertained, by experience on the spot, that this Chart was so incorrect that no reliance whatever could be placed on it with regard to the position of the Sibuco River.

Some further discussion ensued, when it was agreed, on the proposal of *Sir P. Currie*, that the Netherland Delegates should, in the first instance, reply point by point in writing to the different arguments and considerations advanced in the British Case.

The Commission adjourned until Friday, the 10th July, at 12 o'clock.

Annex 58

PROCEEDINGS OF THE JOINT COMMISSION APPOINTED BY THE BRITISH AND NETHERLANDS GOVERNMENTS FOR CONSIDERING THE QUESTION OF THE BOUNDARY BETWEEN THE NETHERLAND INDIAN POSSESSIONS ON THE ISLAND OF BORNEO AND THE TERRITORY BELONGING TO THE BRITISH NORTH BORNEO COMPANY,

SECOND MEETING, 19 JULY 1889

CONFIDENTIAL.

Proceedings of the Joint Commission appointed by the British and Netherland Governments for considering the Question of the Boundary between the Netherland Indian Possessions on the Island of Borneo and the Territory belonging to the British North Borneo Company.

Second Meeting, held at the Foreign Office, July 19, 1889.

Present:

For Great Britain—
Sir Philip W. Currie, K.C.B.
Sir Edward Hertslet, C.B.
For the Netherlands—
Count de Bylandt.
M. A. H. Gysberts.

The following gentlemen also attended for the purpose of furnishing information to the Delegates, viz.:—

Attached to the British Delegates—
Rear-Admiral R. C. Mayne, M.P., C.B.
Mr. Alexander Cook.
Attached to the Dutch Delegates—
M. A. R. Elias.
Captain O. Meuren.

THE Commission having met the *Netherland* Delegates communicated the following reply to the British Case, submitted to the Commission at its first Meeting:—

"1. The rights of the Netherlands on the east coast of Borneo up to and including the Principality of Berouw, and all its former dependencies, date from the year 1787, and have been established and confirmed anew by the Treaty concluded in 1812 between the British Commissioner

Hereand the Sultan of Bandjermasin, who ceded thereby to the English East India Company Berou, Goenie, Pagattan, and Pulaloet, 'with all their respective dependencies,' to which belonged, among others, the Sultanaat of Boelongan, with inclusion of the Tidoeng *territories*.

"2. Although this assertion does not affect the question, there is no evidence showing that the *litigious district* had been ceded by the Sultan of Sulu by the above-mentioned Treaties, much less that he would have been justified in doing so.

"3. The claim of the Sultan of Sulu cannot be proved.

"4. The geographical knowledge of the east coast of Borneo was very deficient in 1846. This is the reason why, in the Decree of the 28th February, 1846, the Netherlands expressly reserved all rights which they might see fit to claim beyond the limits mentioned therein. On this Decree becoming known the Netherland official in command on the east coast of Borneo was informed by the native Chiefs of that part of the country that Kampong-Atas was situated to the north of Tidoeng, and was the southernmost point of the Sulu possessions.

See his Report of the 22nd May, 1849, No. 21.

"By this it became evident that the latitude (3° 20′) mentioned in the Decree of 1846 was not correct. In consequence, the description of the frontier was altered, by Decree of the 27th August, 1849, published in the 'Indische Staatsblad,' No. 40, in as far as the coast was concerned, which in those days was the only point of importance.

"Besides, it appears from the communications of the Minister for the Colonies to the States-General in 1850, which have been published, that in the *river districts* of some of the smaller streams Boelongan Chiefs were settled so far north as 4° 20′ northern latitude.

"5. The Sultan of Sulu, never having been settled in the disputed district, his claim cannot be recognized, and there can therefore be no question of *forfeited claims*.

"6. A recognition of the independence of the Sultan of Sulu by the Netherlands can only apply to that part of his territory which he actually and legally possesses.

"7. Admitting that the statements of Mr. Treacher should be correct in so far as the regions are concerned to the *eastward* of Batoe Tinagat, N.B.—For confirmation, hear the statements of Captain G. Moses.

they certainly are interested as to the disputed district which was not occupied by Sulu Chiefs.

"8. On the ground of the above statements, the arguments mentioned in this paragraph cannot be upheld. Besides, it may be stated that Malay Princes never choose rivers as boundaries between their States, but always the watershed (chains of mountains, mountains, or rocks). This custom has been recognised expressly by the British North Borneo Company in their official organ ('The British North Borneo Herald' of the 1st November, 1888, p. 348). This is a proof that the Sibuco River was quite arbitrarily adopted as frontier by Baron von Overbeck. The frontier of Netherland territory cannot be altered by the one-sided delimitation chosen by a private person.

See Blue Book, "Spain (1882)," No. 1.

"It was evidently the intention of Baron von Overbeck to extend the cession as far only as the Netherland frontier, but misled by insufficient Maps, for which the Netherland Government cannot be made responsible, he transgressed the limits in good faith. He also was not acquainted with our Contract of 1850 with Boeloengan, and with our actions in 1849 in these districts.

"9. The legal rights of the Netherlands over the territory in dispute were *not* dependent on the recognition by Great Britain.

"10. The assertion that Batoe Tinagat and the Tawan River, although not specially mentioned in the cession, should nevertheless be included therein, would only be exact if it is assumed as irrefutable that by the Sibuco River mentioned in the cession, the real Sibuco River was meant. That this is not irrefutable appears from what is said under 12.

"On the contrary, the legal rights of the Netherlands over these points are proved, among other things, in the already mentioned Report of the Netherland official in command on the East Coast of Borneo of the 22nd May, 1849.

"11. This statement is incorrect, as it appears from the above-mentioned Report that Dutch flags were distributed and hoisted in the Tidoeng districts.

"Besides, it must be added that the Treaty with Boeloengan of the 2nd June, 1878, was nothing else than a renewal of the Treaty of the 12th November, 1850, concluded with the preceding Sultan, who had died already in 1874, and in which Batoe Tinagat and the River Tawau were indicated as boundary.

"12. This assertion has been contradicted in a despatch of the Netherland Minister for Foreign Affairs to Count de Bylandt of the 19th March, 1889, copy of which was left at the Foreign Office by Count de Bylandt on the 27th March following:—

"'Il n'était pas question dans cette communication de fixer les frontières ou de résoudre des questions territoriales, mais seulement d'indiquer les parages où l'on allait agir contre la piraterie; ainsi, les navires de guerre, auxquels la communication se rapporte, n'avaient pas eu mission de stationner à un point indiqué, mais de croiser en pleine mer devant les côtes de quelques districts, savoir, les districts de Berouw, de Boelongan, et de Sesajap. Or, Sesajap est le district principal des États de Tidong qui se désignaient d'ordinaire sous le nom général de Sesajap; il est donc évident que la conclusion qu'on forme de la communication de 1887 n'est pas justifiée et ne saurait en aucune façon porter atteinte à la valeur du Contrat conclu avec Boelongan en 1850.'

"13. Taking into consideration the nationality of Baron von Overbeck, it is very possible that in selecting the Sibuco River as boundary, he meant no other river than the one which is indicated as such in the surveys of the Austrian frigate, 'Erzherzog Friedrich,' which have been taken over in the British Admiralty Charts.

"14. Before it was brought to the knowledge of the Netherland Indian Government that the Netherland rights were being encroached upon on a part of the East Coast of Borneo, they had no special reason for hoisting a Dutch flag exactly on a spot on the boundary-line, and to protect the Netherland legal rights there.

"Up to now we have not hoisted a Dutch flag on the undisputed frontier on the West Coast of Borneo, at Tandjong Datoe.

"15. As little as by the cessions themselves, the early existing rights of the Netherlands cannot be prejudiced by the Charter of the 1st November, 1881. Before the grant of this Charter, a note was handed to Sir Julian Pauncefote by Count de Bylandt in September 1878, in which the legal rights of the Netherlands were stated.

"16, 17, and 18. The Netherland Government lost no time in protesting against this arbitrary action of the British North Borneo Company in a note dated the 5th October, 1882. Besides, the British North Borneo Company immediately hauled down their flag.

"19. See answer to 18.

"20. The Map which is mentioned here is not published under the superintendence of the Netherland Minister for the Colonies, but ("onder zijn beheer") *during his tenure of office*, and has no official character.

"21, 22, 23, 24, and 25. None of these Maps have any official character, as has already been stated for some of them in the above-mentioned despatch handed to the British Government by Count de Bylandt on the 27th March, 1882.

"26. This very correct remark applies and confirms that none of the above-mentioned Maps are trustworthy.

"27. The Netherland Government have exercised since many years—according to declarations of Chiefs and population—a *de facto* authority over the Tidoeng territories, which since a very early date were dependencies of Boeloengan. The Sultan of Sulu has never exercised any authority whatever in these countries, except such as he may have usurped himself during his occasional raids. When sometimes it so happened that they were driven back by these raids, the population of Tidoeng used always to settle temporarily, in expectation of their return, in the territory of the Sultan of Boeloengan, acknowledging thus their allegiance to him.

"The Memorandum of the British Government shows plainly that the British North Borneo Company is in possession of Concessions of the Sultans of Sulu and Brunei, but the Company *fails to give any proof of the fact that these Sultans had legal rights over all of the countries mentioned* in these Concessions.

"The Netherlands, on the contrary, have proved, by producing the Report of their official in command on the East Coast of Borneo of the 22nd May, 1849, and by the declarations of Chiefs and population therein contained, and by the Contract they have passed in 1850 and 1878 with the Sultan of Boeloengan, that they *exercise a legal supremacy over that land, and that since 1849 they have taken actual possession of it.*

"The first European official who visited these regions, long before the Concessions were obtained by Messrs. Overbeck and Dent, and who commanded them, was in the service of the Netherland Indian Government."

It was then proposed by *Sir P. Currie*, and agreed to by *Count de Bylandt*, that the Commission should proceed to examine the statements contained in the British Case, with the replies thereto of the Netherland Delegates, point by point.

With regard to paragraphs 1 and 2 of the British Case, it was agreed that, under the circumstances, there was no advantage in carrying the discussion back to so old a date.

On paragraph 3, with regard to the rights of the Sultan of Sulu to cede the territory which he did, *Sir P. Currie* maintained that the fact of the cession was in itself evidence that the Sultan believed the territory to be his, and that he had the right to dispose of it.

Count de Bylandt held the view that the mere fact of cession was no proof of Sulu rights, as to which he asked for the production of documentary evidence. He observed that the only people who had a right to contest the territory were those inhabiting its borders ("peuples limitrophes"), and that the English Company at the time had only been established in the neighbourhood a few months.

M. Gysberts stated that, on the other hand, the Dutch had been in occupation of the country for forty years previously, and he added as a proof of how little reliance could be placed on the claims of native Chiefs, that the Sibuco had been ceded to the North Borneo Company by the Sultans of both Brunei and Sulu, as evidenced by the Concessions.

On paragraph 4, *Sir P. Currie* maintained that the Decree of the 28th February, 1846, was good evidence that the Boeloengan territory did not extend further north than latitude 3° 20'.

M. Gysberts recalled the fact that this had been amended by a later one issued in 1849. Moreover, it had been expressly stated in the Decree of 1846, that the arrangement was a provisional one.

Sir P. Currie could not admit that the Decree of 1849 was any rectification of the Decree of 1846 as far as the boundary of Boeloengan was concerned. It merely stated that the Dutch boundary was at the Songei Atas River. He observed that the English claims were based on the cession by the Sultan of Sulu and the Dutch claims on the cession by the Sultan of Boelongan. The Dutch claim being founded on the limits of the Sultan of Boelongan's territory, Her Majesty's Government were justified in regarding the boundary of Boelongan as the boundary of the Dutch territory. He called attention to the fact that the Treaty of 1850 was never communicated to Her Majesty's Government.

Count de Bylandt maintained that there was no necessity for such communication, as the Treaty was only a confirmation of an older Treaty concluded with the same Sultan, and that the Treaty of 1878 with his successor had been duly communicated to the British Government.

Sir P. Currie stated that the fact remained that the Treaty of 1850, which was really the only one of importance, had been kept back, and that neither Her Majesty's Government nor the Company had had any knowledge of it.

Paragraph 3.—*Admiral Mayne* observed that when the Company obtained their Concession from the Sultan of Sulu, they had taken it for granted that he had a good claim to the territory as far as the Sibuco River, having no idea that part of the district was claimed by the Dutch. As authority for such assumption, he quoted the following extract from the "Journal of the Indian Archipelago and Eastern Asia," published in 1848 at Singapore:—

"The parts of Borneo on which Netherlands does not exercise any influence are:

"(a.) The States of the Sultan of Brunei, or Borneo proper, extending from Tanjong Datu on the west to the River Kimanis on the east, situated on the north-west coast.

"(b.) The State of the Sultan of the Sulu Islands, having for boundaries on the west the River Kimanis, the north and north-east coasts, as far as 3° north latitude, where it is bounded by the River Atas, forming the extreme frontier towards the north with the State of Berou, dependent on the Netherlands.

"(c.) All the islands of the northern coasts of Borneo."

Count de Bylandt had no doubt the Company had acted in perfect good faith in the matter. He remarked, however, that greater prudence had been shown by the American Trading Company, who had accepted 5° north latitude as the boundary of Sulu territory, thus leaving a degree between themselves and the Dutch frontier.

Sir P. Currie observed that as by the Decree of 1846 Dutch territory did not go beyond 3° 20′, the North Borneo Company believed that they had left a considerable zone between their Concession and the territories of Holland.

Admiral Mayne stated that the Sultan of Sulu had himself assured Mr. Cook that the Sultan of Boelongan was his vassal; that he had conquered him and taken possession of his territory, though in consequence of a verbal agreement he had subsequently retired, leaving the Sultan of Boelongan in possession.

It was urged by the Netherland Delegates that the fact of retirement left the Sultan of Boelongan independent; but it was agreed on both sides that this matter was one of "ancient history."

On paragraph 7, *Captain Morren* stated that he had navigated all the Tidoeng waters. On one occasion the Chiefs had complained to him that, after having paid tribute to the Sultan of Boelongan, their taxes had been demanded from them a second time, against which they had appealed to him, although they admitted the perfect right of the Sultan of Boelongan to levy taxes in Tidoeng territories.

Admiral Mayne observed that the Sultan of Boelongan had assured Mr. Cook that real Boelongan territory ended at Atas, and that the natives had no idea of what had been signed in 1850.

In reply to a question by Sir P. Currie, *Mr. Cook* stated that he had heard nothing, and seen no signs of the exercise of authority by the Dutch on the spot.

Captain Morren disputed this last statement, and affirmed that he himself had been there as Chief Officer and Representative of the Netherland Government.

Count de Bylandt complained that the statements made by the Representatives of the Company were only hearsay, and would imply that the Dutch authorities had made use of worthless documents, and he must decline to accept such a position for his Government. He stated that the British evidence was founded only on reports, whereas that of the Netherlands was based on official documents and Government Decrees.

Sir P. Currie maintained that the British Case was founded on the Concession from the Sultan of Sulu, supported by the reports of responsible British officers, and that their statements were as worthy of credence as those made in support of the Dutch Case.

Admiral Mayne observed that, had the Company possessed any knowledge of the Treaty of 1850, they would have called upon the Sultan of Sulu for detailed information as to the limits of his territory; but not being aware that any doubt had ever been raised as to these limits which were matters of common notoriety, they had not thought it necessary to do so.

Count de Bylandt referred to the reasons already given by him why the Treaty in question was not communicated.

A discussion having been raised as to the date at which the Dutch flag was first hoisted at Batoe Tinagat, the British Delegates maintaining that it was never displayed until after the date of the Concession to the Company, while the Dutch Delegates declared that flags had been distributed and hoisted by the natives throughout the whole district many years before: in [illegible].

Sir E. Hertslet asked whether it was not a fact that on the [illegible] July, 1883, the British North Borneo Company had formally protested against the hoisting of the Dutch flag at Batoe Tinagat.

Count de Bylandt admitted that this was so.

Admiral Mayne reminded the Commission that the acceptance of flags by the natives of uncivilized countries was no proof of sovereignty, as they were generally ready to receive any number of such ensigns from any quarter.

A discussion then ensued with regard to the statement contained in the reply of the Netherland Delegates to paragraph 8, to the effect that Malay Princes never choose rivers for their boundaries, but always the watershed, chains of mountains, &c.

The *British Delegates* pointed out that in the documents put forward by the Netherland Delegates the Rivers Atas and Kinabatangan were distinctly mentioned as defining boundaries.

In reply to further observations from Count de Bylandt as to the unquestionable validity of the cession of territory up to Batoe Tinagat by the Sultan of Boeloengan in 1850,

Sir P. Currie contended that the Sultan of Boeloengan had ceded to the Dutch what he had no right to cede, Batoe Tinagat being to the north of Sibuco, and therefore within the territory of the Sultan of Sulu.

M. Elias observed that the Decree of the Governor-General of Netherland India of the 2nd February, 1877, had also specified the Islands of Sibittik, Nanoekan, and Tarakan as belonging to the Netherlands.

On paragraph 9, *Sir P. Currie* repeated that the Netherland claims were dependent on the cession of the Sultan of Boelongan, who had no right to cede these territories to the Dutch.

Captain Morees observed that there could be no question of cession, as the Sultan of Boelongan, with all his dependencies, was the vassal of Holland.

M. Elias brought forward the following documents (in the Dutch language) to prove that the Dutch Government had claimed their frontier before they had any knowledge of the cession by the Sultan of Sulu to the Company:—

1. Resolution of the Governor-General of Netherland India, February 28, 1846, amended by:

2. Resolution of the Governor-General of Netherland India, August 27, 1849.

3. Extract from a communication to the States-General respecting the ultramarine possessions of the Kingdom of the Netherlands made by the Minister for the Colonies in 1850, and which was published in the official Gazette.

4. Decree of the Governor-General of Netherland India, February 2, 1877.

With regard to the position of the Sibuco River, referred to in paragraph 10, *Mr. Cook* stated that whatever might be the case with Europeans, there was no doubt in the mind of the natives that it was the river shown on the Dutch Chart about latitude 4° north.

Count de Bylandt called attention to a report by Acting Consul-General Treacher, stating that the Sultan of Sulu claimed territory as far as Balik Pappan, and he asked what reliance could be placed on the statements of a Chief who was capable of putting forward such exaggerated claims?

Sir P. Currie pointed out that this claim was not in any way put forward by Her Majesty's Government, and that there could be no doubt that in former times the Sultan of Sulu's territory extended far to the south.

He observed that the Minister of the Colonies at the Hague had assured the Dutch Chamber in

1879 that the cession made to England did not constitute any encroachment on the rights and privileges accorded to Holland, as showing that the Dutch Government did not then take exception to the limits of the Cession defined in the Concession made to Mr. Dent.

Mr. Elias replied that, although not remembering at present all the Minister for the Colonies may have said on that occasion, he could assure the Commission that his Excellency had no knowledge at that moment of the text of the cession of the Sultans of Sulu and Brunei to Messrs. Overbeck and Dent.

Count de Bylandt stated that the question at issue was really one of prestige. It was impossible for the Dutch to retire without a loss of dignity in the eyes of the natives, but his Government were perfectly ready to grant absolute freedom of navigation of all rivers in the disputed territory to the Company, and that he considered it was in the interests of the Dutch to facilitate in every way the operations of the Company.

Sir P. Currie observed that the prestige of England must also be considered. He thoroughly appreciated the conciliatory language of Count de Bylandt, and said that although the British Delegates were quite prepared to submit replies to the other statements contained in the Dutch Memorandum, he would be very glad if the question could be settled by an amicable compromise. He inquired whether the Dutch Government would be prepared to consider the question of an arrangement on the basis of a compromise of the territorial claims on the coast-line, with free navigation of the rivers running through the disputed territory?

M. Gysberts observed that it was impossible for his Government to give up territory held by them on the north-east coast of Borneo, though they would be most ready to come to any arrangement as regards the interior.

Sir P. Currie stated, in reply, that the question under discussion was that of the coast, and that M. Gysberts' last declaration amounted to a *non possumus*. He could see no object in the appointment of the Commission if the Dutch Government had decided beforehand to make no Concessions with the view of coming to an amicable arrangement.

The declaration showed that it would be use-less for Her Majesty's Government to make any definite proposal without an assurance that the Netherland Government were ready to accept the principle of a compensation. If the principle was once accepted, he was ready to suggest an arrangement on that basis.

After some further discussion, Count de *Bylandt* agreed to submit the proposal to his Government, reserving for them the right of accepting or declining this proposal after having taken cognizance of its contents, and the Commission adjourned pending the receipt of a reply from the Hague.

Annex 59

PROCEEDINGS OF THE JOINT COMMISSION APPOINTED BY THE BRITISH AND NETHERLANDS GOVERNMENTS FOR CONSIDERING THE QUESTION OF THE BOUNDARY BETWEEN THE NETHERLAND INDIAN POSSESSIONS ON THE ISLAND OF BORNEO AND THE TERRITORY BELONGING TO THE BRITISH NORTH BORNEO COMPANY,

THIRD MEETING, 27 JULY 1889

CONFIDENTIAL.

Proceedings of the Joint Commission appointed by the British and Netherland Government for considering the Question of the Boundary between the Netherland Indian Possessions on the Island of Borneo and the Territory belonging to the British North Borneo Company.

Third Meeting, held at the Foreign Office, July 27, 1889.

Present:

For Great Britain—
  Sir Philip W. Currie, K.C.B.
  Sir Edward Hertslet, C.B.
For the Netherlands—
  Count de Bylandt.
  M. A. H. Gysberts.

The following gentlemen also attended for the purpose of furnishing information to the Dutch Delegates, viz.:—
  M. A. E. Elias.
  Captain O. Moreen.

ON the reassembling of the Commission, *Count Bylandt* stated that his Government were quite ready to consider any proposal for a compromise of the question in dispute, while, of course, reserving to themselves the right to reject such proposal, or to modify it by means of a counter-proposal.

Sir P. Currie then proposed, on behalf of the British Delegates—

1. That the boundary-line on the coast should start from the point called Broers Hoek, in about 4° 10′ north latitude, and should pass between the Islands of Sebattik and East Nanoekhan.

2. That the navigation of all rivers in the territory in dispute, lying between 3° 20' and 4° 20', should be declared free; and that vessels of either country navigating them should, with their crews and cargoes, receive equal treatment in all respects, and that no transit duties should be imposed.

He further inquired whether it would not be of advantage that the above provisions should be extended to all rivers which, taking their rise in the territory of one State, might flow through, or have their exit in, the territory of the other.

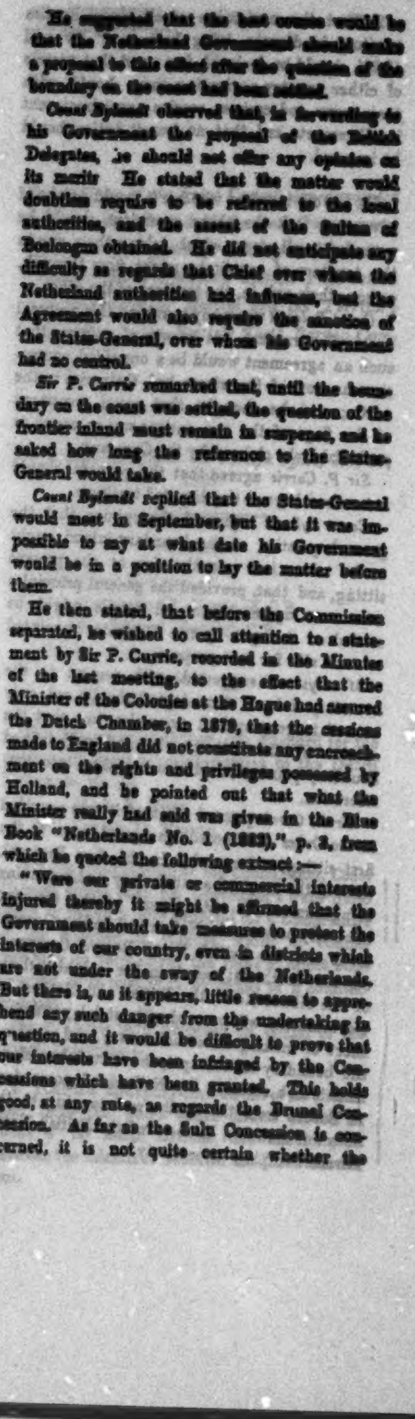
Count Bylandt was ready to submit this proposal to his Government, but he was of opinion that such an agreement would be a one-sided concession, as most of the rivers had their rise in the north; and he thought that equal treatment of the flags of the two nations was as much as could fairly be claimed by the Company.

Sir P. Currie agreed that the proposal should not extend beyond the disputed territory.

Count Bylandt expressed the opinion that the general question of the boundary inland ought to be taken into consideration at the present sitting, and that, provided the general principles were now agreed upon, all details might be settled on the spot by two Delegates appointed on each side for that purpose.

M. Gysberts suggested, with respect to the boundary inland, that regard should not only be had to geographical principles, but that the opinion of the natives, who had well-defined boundary points, should also be taken into consideration.

Sir P. Currie pointed out that it was provided in the Order of Proceedings agreed upon at the first sitting, and recorded in the first Protocol, that, in the event of a satisfactory understanding being arrived at with regard to the disputed boundary between the Netherland Indian Government and the British North Borneo Company, on the north-east coast, in the neighbourhood of the Sibuco River, the British and Netherland Governments will proceed without delay to define, short of making an actual survey, and marking the boundary on the spot, the inland boundary-lines which separate the Netherland possessions in Borneo from the territories belonging to the States of Sarawak, Brunei, and the British North Borneo Company respectively.



He suggested that the best course would be that the Netherland Government should make a proposal to this effect after the question of the boundary on the coast had been settled.

Count Bylandt observed that, in forwarding to his Government the proposal of the British Delegates, he should not offer any opinion on its merits. He stated that the matter would doubtless require to be referred to the local authorities, and the assent of the Sultan of Boeloengan obtained. He did not anticipate any difficulty as regards that Chief over whom the Netherland authorities had influence, but the Agreement would also require the sanction of the States-General, over whom his Government had no control.

Sir P. Currie remarked that, until the boundary on the coast was settled, the question of the frontier inland must remain in suspense, and he asked how long the reference to the States-General would take.

Count Bylandt replied that the States-General would meet in September, but that it was impossible to say at what date his Government would be in a position to lay the matter before them.

He then stated, that before the Commission separated, he wished to call attention to a statement by Sir P. Currie, recorded in the Minutes of the last meeting, to the effect that the Minister of the Colonies at the Hague had assured the Dutch Chamber, in 1879, that the cessions made to England did not constitute any encroachment on the rights and privileges possessed by Holland, and he pointed out that what the Minister really had said was given in the Blue Book "Netherlands No. 1 (1882)," p. 3, from which he quoted the following extract:—

"Were our private or commercial interests injured thereby it might be affirmed that the Government should take measures to protect the interests of our country, even in districts which are not under the sway of the Netherlands. But there is, as it appears, little reason to apprehend any such danger from the undertaking in question, and it would be difficult to prove that our interests have been infringed by the Concessions which have been granted. This holds good, at any rate, as regards the Brunei Concession. As far as the Sulu Concession is concerned, it is not quite certain whether the

Contracting Parties were well acquainted with the precise frontier-line of the Netherland territory on the east coast of Borneo."

He explained that the reason why the words above quoted were used by the Colonial Minister was, that he knew that a Concession had been granted by the Sultan of Sulu to the Company; while, at the same time, he was ignorant of the precise terms of it, and had no reason to expect that the rights of the Netherlands would be infringed.

The Commission thereupon separated.

Annex 60

MEMORANDUM FROM COUNT BYLANDT TO LORD SALISBURY DATED 2 APRIL 1890

No. 30.

Memorandum communicated to the Marquis of Salisbury by Count Bylandt, April 2.

LES négociations entre le Gouvernement des Indes Néerlandaises et le Sultan de Boeloengan par rapport à la délimitation de ses territoires étant terminées, le Gouvernement du Roi se trouve enfin en mesure de soumettre au Gouvernement Britannique son appréciation sur les propositions qui lui ont été faites pour une solution, par voie de compromis, de la question de la délimitation des territoires Néerlandais et de ceux sous le Protectorat Britannique dans l'Ile de Bornéo.

Le Gouvernement Néerlandais reste disposé à coopérer par compromis à la solution de cette question, toutefois à la condition formelle, qu'il s'agisse de la délimitation entière, quitte à être globale, en travers de toute l'étendue de l'Ile, depuis le point à établir sur la côte orientale, jusqu'à Tandjong-Datoe sur la côte occidentale.

En conséquence le Gouvernement du Roi serait disposé à accepter comme point de départ le point "Broershoek," désigné par le Gouvernement Britannique, à condition :—

1. Que pour la délimitation de toute l'étendue de Bornéo on adopte, à partir de "Broershoek" jusqu'à la montagne, la ligne de partage des eaux des Rivières Simengaris et Soedong, marquée par des points rouges sur la Carte ci-jointe ; et ensuite la ligne de partage des eaux des rivières qui coulent dans le territoire Néerlandais et Britannique, en adoptant cette ligne comme limite en général, et en laissant à l'avenir d'établir et de fixer sur les lieux l'exacte limite, quand la nécessité s'en fera sentir, de façon à ce que pour le moment on obtienne une délimitation globale depuis "Broershoek" sur la côte orientale jusqu'à Tanjong-Datoe sur la côte occidentale. Une délimitation globale de ces parages est la seule qui soit possible pour le moment, car le lever du terrain et la démarcation précise d'une frontière dans le centre de Bornéo occasionneraient de grands frais et seraient périlleux, admettant que ce fût possible. Il devrait cependant être entendu qu'immédiatement après que la Convention aura été conclue et approuvée par les Etats-Généraux, une Commission Mixte serait chargée d'établir et de décrire la frontière, et d'en dresser la Carte, partout où cette dernière parcourt des territoires accessibles sans trop de frais et de dangers.
2. Que l'Ile de Sibittik reste aux Pays-Bas.
3. Que la navigation libre des rivières dont les embouchures en mer sont situées entre Batoe-Tinagat et la Rivière Siboekoe soit accordée, sauf pour le transport de matériel de guerre.
4. Qu'il soit satisfait au désir formel de la population de Boeloengan, qu'en cas où une ligne de frontière serait établie qui partirait de "Broershoek," on lui laisserait encore pendant quinze ans le droit de recueillir des produits forestiers dans la partie du territoire situé entre "Broershoek" et Batoe-Tinagat, exempte de toute taxe ou impôt.

Londres, le Avril, 1890.

Annex 61

MEMORANDUM ON THE SOUTHERN BOUNDARY OF THE TERRITORY OF THE BRITISH NORTH BORNEO COMPANY, ENCLOSING MAP,

BY B. KINDERSLEY, SECRETARY OF THE BRITISH NORTH BORNEO COMPANY, DATED 22 JULY 1890

No. 63.

British North Borneo Company to Foreign Office.—(Received July 24.)

Sir, *15, Leadenhall Street, London, July 22, 1890.*

I HAVE the honour to forward to you herewith the views of the Court of Directors of the British North Borneo Company upon the Memorandum of the Netherland Minister with reference to the boundary between the Netherland territory and that under British protection in the Island of Borneo.

The remarks of the Directors are, of course, confined to that part of Borneo under their rule.

They trust that Her Majesty's Government will agree in the proposals they submit, and will urge them upon that of the Netherlands.

I have, &c.

(Signed) BENJ. T. KINDERSLEY, *Secretary.*

Inclosure 1 in No 63.

Memorandum on the Southern Boundary of the Territory of the British North Borneo Company.

THE Court of Directors of the British North Borneo Company recognize the friendly spirit in which His Netherland Majesty's Government is prepared to co-operate in the solution of the boundary question by a compromise, accepting as the point of departure of the boundary-line on the east coast that point at Broershoek where the parallel of 4° 10′ north latitude meets the sea; and they are prepared to waive their claim to that portion of the territory granted to them by the Sultan of Sulu lying to the south of this line, provided that the other portions on the proposed arrangement be satisfactorily settled.

As to this, the Court of Directors have to remark, on paragraph 1 of the Memorandum forwarded by the Netherland Minister, that they feel most strongly the impracticability of the principle adopted by the Netherland Government, as being such as, if adopted, would inevitably lead to great trouble and confusion hereafter upon the settlement of the country.

As to the unofficial Map handed in by the Netherland Minister, the Court consider it entirely ideal, as no one knows the real direction of the rivers marked, and such information as they have leads them to an entirely different conclusion from that of the Netherland cartographer. The positions of the mountain ranges are equally unknown to all parties, no one having ever attempted to fix any of them, either geodetically or astronomically. The information of the Court leads them to believe that, while it may be found that some rivers debouching south of the parallel of 4° 10′ rise a long way to the north of that line, it is equally the case that rivers debouching to the north of the line, on the west coast, in the Company's territory, rise in territory which, so far as this Company is concerned, indisputably belongs to the Netherlands, and far to the south of 4° 10′ north latitude.

It is evident, therefore, that such a boundary as is proposed by the said Memorandum could only be decided years hence, when the interior of the country is thoroughly known and has been properly surveyed, and when settled would then be of a most impracticable character, probably running now a hundred miles or so north of the line into the Company's territory, and now a hundred miles south into that of the Netherlands; and, for aught that either party knows to the contrary, this might occur more than once.

The Court of Directors, therefore, beg to submit, and trust that Her Majesty's Government will urge upon that of the Netherlands, the advisability of adopting the parallel of 4° 10′ north latitude as the boundary-line throughout their territory from east to west, this being the only really practicable method of definition in an unexplored country.

In urging this they feel that it is almost unnecessary to point out that it is the system adopted in all modern demarcations wherever possible, notably, under almost exactly similar conditions to those under present consideration, in New Guinea between Her Majesty's Government and that of the German Empire.

The simplicity of such a definition is obvious. When once the point at Broershoek of 4° 10′ north latitude has been astronomically fixed—a most simple operation—nothing more need be done in the interior until the development of the country renders it advisable to decide the exact position of the parallel at any point; and when such development has taken place, nothing is easier than to fix the exact spot. At the same time, also, when the country is cleared and its features known, such slight modifications of the exact line as might be mutually agreed upon could easily be made upon a "give and take" basis. No expense would be entailed upon either Government beyond the fixing of the point referred to at Broershoek by the naval officers of the two countries.

With reference to paragraph 2, the Court of Directors trust that the Netherland Government will not insist upon including in their territory the Island of Sebattick, half of which lies to the north of the 4° 10′ parallel, and the north side of which forms one shore of St. Lucia Bay, the southern part of the Company's territory under the proposed arrangement.

As the possession of such a small amount of territory can be of no importance to a great Government like that of the Netherlands, the Court hope Her Majesty's Government will suggest that the boundary-line east from Broershoek should be continued to the centre of the channel between it and Sebattick Island, and thence in a south-easterly direction through the centre of the channel separating Sebattick Island from East

Noenoekan Island, leaving one of these to each party. This seems to the Court a fair arrangement, as they are of opinion that the Island of Sebittik—forming as it does one side of the channels into which all the rivers between Broershoek and Batu Tinagat flow—should be under their jurisdiction; but should it unfortunately not meet with the consent of the Netherland Government, they would be prepared to accept a continuation of the parallel of 4° 10′ north latitude across the island to the east corner, which would give to each party all the portion lying opposite its own territory.

With reference to paragraph 3, the Court of Directors do not object to the free navigation of those rivers, the mouths of which are situated between Batu Tinagat and the Sibuco River, except for the transport of war material. Under this head, the Court look to Her Majesty's Government to insert in any Agreement that may be made such stipulations as to mutual relations as are usual in such cases, and as will afford the Company thorough protection.

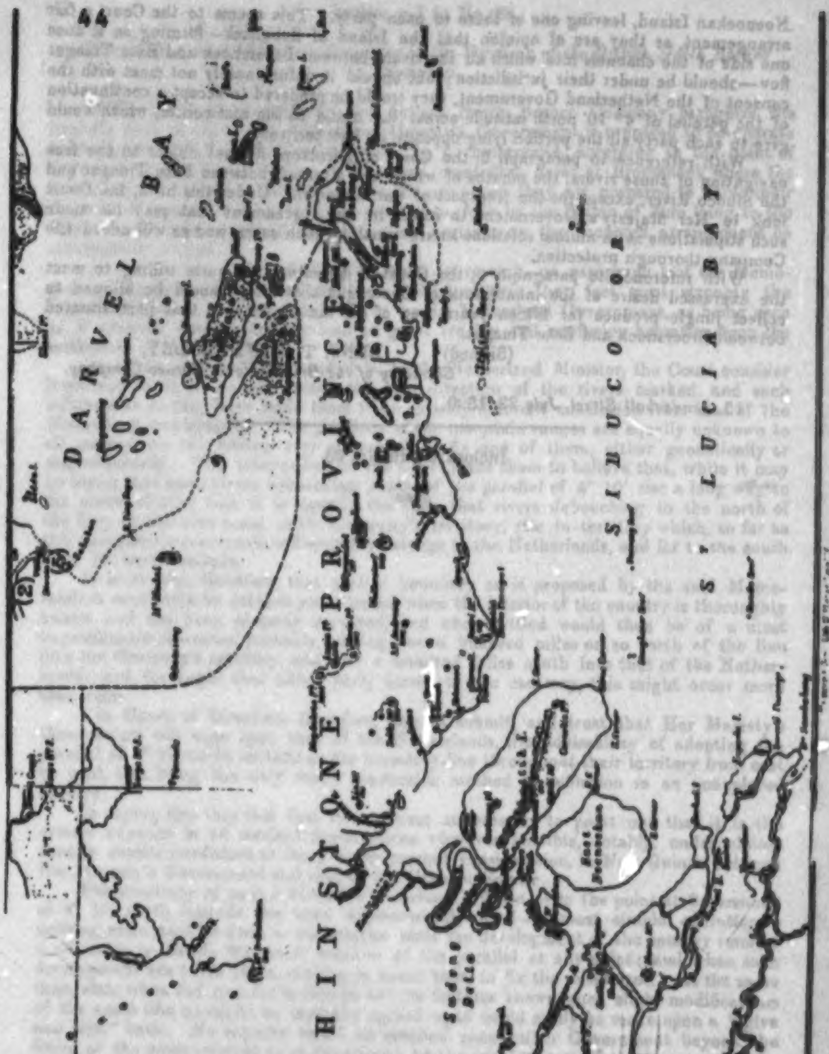
With reference to paragraph 4, the Court of Directors are quite willing to meet the expressed desire of the inhabitants of Boeloengan that they should be allowed to collect jungle produce for fifteen years, free of all tax or duty, in that part situated between Broershoek and Batu Tinagat.

(Signed) BENJ. T. KINDERSLEY,
Secretary of the British North Borneo Company.

15, *Leadenhall Street, July 22, 1890.*

Inclosure 2 in No. 63.

Map.


44
(2)
DARVEL BAY
ELPHINSTONE PROVINCE
SIBUCO BAY
ST LUCIA BAY

Annex 62

DESPATCH FROM LORD SALISBURY TO COUNT DE BYLANDT DATED 13 AUGUST 1890

No. 7.

The Marquis of Salisbury to Count Bylandt.

M. le Ministre, *Foreign Office, August 13, 1890.*

ON the 2nd April last I had the honour to receive from you a Memorandum containing certain proposals which the Netherland Government have made with a view to the settlement of the questions in regard to the lines of boundary between the Dutch possessions in Borneo and the territories of the Sultan of Brunei, the Rajah of Sarawak, and the British North Borneo Company respectively.

The Netherland Government propose, in effect:—

1. That the principle of a "compromise" agreed upon between the Delegates at the recent Conference as to the boundary between the Dutch possessions and the British North Borneo Company being accepted by the Netherland Government, and Broershoek, in parallel 4° 10′, being fixed as the starting point of the boundary on the eastern coast, Her Majesty's Government should undertake to agree, at the same time, to the delimitation of the boundary-lines which separate the Dutch possessions in Borneo from the States of Brunei and Sarawak respectively, as far as Tandjong-Datoe on the western coast. So far, however, as the territory of the British North Borneo Company is concerned, it is proposed that the line of watershed of the Rivers Simengaris and Soedong, as marked on a tracing which accompanied the Memorandum in question, should divide the Netherland possessions from those of the Company, leaving the exact boundary-line to be traced hereafter on the spot by a Mixed Commission.

2. That the Island of Sibittik should remain to the Netherlands.

3. That the navigation of all rivers flowing into the sea between Batoe-Tinagat and the River Siboekoe should be free, except for transport of war material.

4. That, in the event of Broershoek being fixed as the point of departure of the boundary on the coast, the population of Boelongan should be allowed to collect jungle produce for fifteen years free from tax or duty.

These proposals having been submitted to the Court of Directors of the British North Borneo Company for their observations, I have the honour to inform you that the Company have now made the following suggestions and counter-proposals,[†] which are concurred in by Her Majesty's Government:—

1. They are prepared to accept Broershoek, the point on the coast where the parallel of 4° 10′ north latitude meets the sea, and to give up their claim to any territory on the coast south of this point, provided that the Netherland Government agree to surrender their claim to any territory to the north of that parallel, including Batoe-Tinagat, and any places which they may have occupied on the Tawao River, and that the other portions of the proposed arrangement are satisfactorily settled.

They object to accept the line of watershed of the Rivers Simengaris and Soedong as their boundary for the following reasons: (1) because the mountain ranges are utterly unknown, no one having ever attempted to fix any of them, either geodetically or astronomically; and (2) because the tracing annexed to your Memorandum is made from an unofficial Map, and not from any actual survey.

They therefore propose to follow the principle adopted in tracing similar boundaries in unknown and unexplored countries—in New Guinea, for instance—namely, by accepting a parallel of latitude; and they suggest that the boundary-line should run along the parallel of 4° 10′ north latitude until it reached the mountain range which separates the Netherland possessions from those of Brunei. This, the Company consider, would be equally fair to both parties, inasmuch as it is absolutely a matter of conjecture where the rivers rise which empty themselves into the sea to the north or south of Broershoek at 4° 10′ north latitude.

Should the Netherland Government accept this line of boundary, Her Majesty's Government would be prepared to recognize the dividing lines, already marked on the Dutch Official Map,[‡] as those which separate the Dutch possessions from the States of

---

[*] See No. 7.

[†] British North Borneo Company, July 22, 1890.

[‡] See Sheet 19 in "Atlas der Nederlandsche Bezittingen in Oost Indië," by J. W. Stemfoort and J. J. ten Siethoff.

Brunei and Sarawak respectively, leaving any differences which might possibly hereafter arise with regard to the actual position of any particular locality to be settled by mutual agreement between the British and Netherland Governments.

2. The British North Borneo Company are very anxious that the Island of Sibitik should be recognized as being within the boundary of their possessions, or that the boundary-line should run along the parallel of 4° 10′ eastward, as well as westward, from Broershoek, so as to divide the island equally between themselves and the Netherland Government. But Her Majesty's Government are desirous to arrive at a speedy settlement of this long-vexed question, and they would therefore not press this point on behalf of the Company, provided that the Netherland Government would be prepared to lease the northern part of the island to the Company in perpetuity for a nominal rental, and would undertake to leave the Company in quiet and peaceable possession of it.

3. They are willing to agree that the navigation of all the rivers between Batoe-Tinagat and the Siboekoe River should be free, except for transport of war material, on the understanding that the Netherland Government give a similar undertaking.

4. They are prepared to agree that the population of Boeloengan should be allowed to collect jungle produce for fifteen years free from any tax or duty.

On hearing from you that the counter-proposals herein made are accepted by the Netherland Government, I shall have the honour to submit for your approval a draft Agreement, in order that the result of the negotiations which have passed on the subject between our respective Governments may be formally recorded.

I have, &c.

(Signed) SALISBURY.

Annex 63

DESPATCH FROM LORD SALISBURY TO SIR H. RUMBOLD
DATED 29 DECEMBER 1890

No. 106.

The Marquis of Salisbury to Sir H. Rumbold.

(No. 111.)

Foreign Office, December 20, 1890.

Sir,

WITH reference to my despatch No. 75 of the 27th August last, I transmit to you herewith copy of a letter from the British North Borneo Company relative to the question of the boundary between their territory and that of the Netherlands in Borneo, and I have to request that you will ask the Netherlands Government whether, if Her Majesty's ship "Egeria" should proceed on a surveying cruise to the east coast of Borneo early next year, they would consent to an investigation being made by the officers of that vessel, with a view to ascertain the exact point where 4° 10' north latitude reaches the sea, on the clear understanding that any mark which the British naval officers may think it necessary to place is without prejudice to the conflicting claims of the Netherlands East India Government and the British North Borneo Company with regard to the boundary of their respective territories on the east coast of Borneo.

I am, &c.

(Signed) SALISBURY.

Annex 64

DESPATCH FROM MR. GREENE TO LORD SALISBURY DATED 4 JANUARY 1891

No. 2.

Mr. Greene to the Marquis of Salisbury.—(Received January 8.)

(No. 1.)

My Lord,

The Hague, January 6, 1891.

IN obedience to the instructions contained in your Lordship's despatch No. 114 of the 20th ultimo, I yesterday asked M. Hartsen whether the Netherlands Government would consent to the officers of Her Majesty's ship "Egeria" making an investigation as to the exact point where 4° 10′ north latitude reaches the sea on the east coast of Borneo, under the reservations explained in your Lordship's despatch above mentioned.

M. Hartsen promised that he would at once consult the Minister for the Colonies, and let me have an answer in a few days. Meanwhile, his Excellency added, the general question of the delimitation of the disputed frontier was under the consideration of the Government, but the matter had been retarded in common with many other official questions, by the death of the King, but he hoped to be able to send an instruction to Count Bylandt on the subject in a very short time.

I have, &c.

(Signed) CONYNGHAM GREENE.

Annex 65

DESPATCH FROM MR. HARTSEN TO MR. GREENE DATED 20 JANUARY 1891

M. Hartsen to Mr. Greene.

M. le Chargé d'Affaires, *La Haye, le 29 Janvier, 1891.*

EN réponse à la demande contenue dans la note que vous avez bien voulu me remettre le 3 de ce mois, j'ai l'honneur de porter à votre connaissance que le Gouvernement Néerlandais n'a pas d'objection à ce que le navire de guerre de Sa Majesté Britannique "Egeria" se rende au commencement de cette année à la côte orientale de l'Ile de Bornéo à l'effet de faire des investigations dans le but de constater à quel point sur la côte se trouve le parallèle 4° 10′ latitude sud.

Eu égard, cependant, à la possibilité que ce point soit adopté par la suite comme point de départ de la limite entre les possessions Néerlandaises et Anglaises sur l'Ile de Bornéo, le Gouvernement des Pays-Bas est d'avis qu'il serait désirable que l'étude dont il est question se fasse conjointement avec des officiers d'un navire de la marine Néerlandaise.

Pour le cas où le Gouvernement Britannique pourrait se rallier à cette proposition, faite d'ailleurs dans le seul but de favoriser une prompte solution de la question de Bornéo, le Gouvernement des Pays-Bas verrait avec plaisir que le Gouverneur des Straits Settlements s'entende avec le Gouverneur-Général des Indes Néerlandaises sur la manière dont pourrait s'effectuer cette expédition combinée, le plus tôt possible. En outre, le Gouvernement des Pays-Bas croit pouvoir suggérer l'idée de donner à cette occasion aux officiers des deux navires des instructions tendant à explorer et à déterminer autant que possible dans son entier le parcours des Rivières Simengaris et Soedang, qui se jettent dans la mer non loin de Broershoek, et d'en dresser des Cartes.

Je vous serais fort reconnaissant, M. le Chargé d'Affaires, si vous veuillez bien informer votre Gouvernement de ce qui précède, et de me faire connaître, en temps opportun, l'accueil qu'il voudra bien donner à la proposition du Gouvernement des Pays-Bas.

En attendant, je saisis, &c.

(Signé) HARTSEN.

Annex 66

DESPATCH FROM SIR P. CURRIE TO THE ADMIRALTY DATED 28 JANUARY 1891

No. 2.

Foreign Office to Admiralty.

Sir,

Foreign Office, January 22, 1891.

WITH reference to my letter of the 27th April, 1889, relative to the boundary-line to be drawn between the Dutch possessions in Borneo and the territory of the British North Borneo Company, I am directed by the Marquis of Salisbury to state to you that, at the instance of that Company, Her Majesty's Minister at the Hague was instructed on the 29th ultimo to propose to the Netherlands Government that, in the event of one of Her Majesty's ships proceeding to the east coast of Borneo this spring, her officers should be authorized "to ascertain the exact point where 4° 10′ north latitude reaches the sea, on the clear understanding that any mark which the British naval officers may think it necessary to place is without prejudice to the conflicting claims of the Netherlands East India Government and the British North Borneo Company with regard to the boundary of their respective territories on the east coast of Borneo."

Mr. Greene, Her Majesty's Chargé d'Affaires, in the despatch of which copy is inclosed,* has now reported that the Netherlands Government do not object to this arrangement, but suggest that the investigation should be conducted in conjunction with officers from a Dutch ship of war. They desire that in such case instructions should be given to the officers of the two ships engaged to endeavour to explore and determine, as far as possible in its entirety, the course of the Rivers Simengaris and Seodang, which fall into the sea near Broershoek, and to execute Charts of their researches.

Lord Salisbury is of opinion that a joint survey of this kind would afford the best means of arriving at a practical solution of the question at issue; but, before accepting the proposal of the Netherlands Government, his Lordship would be glad to learn whether the Lords Commissioners of the Admiralty consider that it can without inconvenience be extended to the above-named rivers, and whether they would be prepared to issue directions for carrying out the survey at an early date.

I am, &c.

(Signed) P. CURRIE.

Annex 67

DESPATCH FROM COUNT BYLANDT TO LORD SALISBURY
DATED 2 FEBRUARY 1891

No. 2.

Count Bylandt to the Marquis of Salisbury.—(Received February 2.)

M. le Marquis, *Londres, le 2 Février, 1891.*

JE n'ai pas manqué de transmettre à mon Gouvernement la note que votre Seigneurie m'a fait l'honneur de m'adresser en date du 13 Août dernier, en réponse aux propositions que j'avais été chargé de faire pour la délimitation des possessions Néerlandaises et des territoires qui se trouvent sous le Protectorat de la Grande-Bretagne dans l'Ile de Bornéo.

No. 1.

Il résulte d'un examen attentif de cette note qu'il ne reste au fond que deux points sur lesquels les Gouvernements intéressés ne soient pas encore d'accord, savoir, la frontière qui doit séparer les possessions Néerlandaises des territoires de la "British North Borneo Company" dans l'intérieur de l'Ile de Bornéo, et puis la question de l'Ile de Sebittik.

J'aurai l'honneur maintenant, M. le Marquis, de soumettre au bienveillant examen de votre Seigneurie les contre-propositions que mon Gouvernement croit devoir faire:—

1. A l'égard de la proposition Britannique que le degré 4° 10′ de latitude nord soit adopté comme frontière depuis la côte jusqu'à la chaîne de montagnes qui sépare le territoire Néerlandais de celui de Brounei, et—

2. A l'égard des propositions de la "British North Borneo Company" concernant l'Ile de Sebittik.

Par rapport à la première de ces questions les deux Gouvernements sont d'accord que le point de départ de la frontière, sur la côte orientale de Bornéo, doit être le point où le degré 4° 10′ de latitude nord traverse le littoral, aux environs de Broershoek.

A partir de ce point néanmoins le Gouvernement Néerlandais ne saurait admettre comme frontière vers l'ouest le parallèle 4° 10′ qui, à peine quittant la côte, traverse à plusieurs reprises le cours de la Rivière Simengaris. Bien qu'il consente à ne plus insister sur l'adoption exclusive de la ligne de partage des eaux comme frontière, il s'est efforcé de trouver un moyen qui éviterait autant que possible que la frontière ne coupât une, ou même plusieurs fois le même cours d'eau, et prenant en considération que la "British North Borneo Company" semble tenir à une délimitation mieux définie d'avance, mon Gouvernement propose d'adopter une ligne droite partant de 4° 10′ sur la côte, et suivant une direction ouest-nord-ouest, entre les Rivières Simengaris et Soedang, jusqu'au point où le méridien 117° longitude est de Greenwich, traverse le parallèle 4° 20′ latitude nord. De là enfin la frontière longerait ce dernier parallèle jusqu'aux montagnes centrales.

Toutefois mon Gouvernement désire faire l'observation suivante. Si les officiers de marine des deux pays qui se rendront probablement sous peu ensemble sur les lieux, réussissent à établir la position géographique et à lever la carte du cours du Simengaris et du Soedang, et si à la suite de leurs recherches les deux Gouvernements intéressés s'accordaient à trouver qu'après tout la ligne de partage des eaux offrirait une délimitation préférable à celle décrite ci-dessus, le Gouvernement Néerlandais donnerait la préférence à la ligne de partage des eaux. Comme en même temps il serait démontré que la principale objection de la "British North Borneo Company" contre cette frontière naturelle, savoir, que les rivières en question remonteraient trop loin au nord, n'était qu'une appréhension non fondée, mon Gouvernement espère que votre Seigneurie ne maintiendrait plus, le cas échéant, ses objections à cet égard, même si on était tombé d'accord préalablement sur les bases indiquées dans la présente proposition Néerlandaise.

Quant à l'Ile de Sebittik le Gouvernement de la Reine Régente est prêt à continuer les négociations sur la base d'un compromis, et il consent, pour aller au devant d'une solution, à se rendre au désir de la "British North Borneo Company" en lui cédant sans restriction la partie de cette île située au nord du degré 4° 10′ latitude nord, à condition toutefois que le Gouvernement Britannique se rallie à la présente proposition Néerlandaise pour la délimitation à l'ouest de Broershoek.

De la note précitée de votre Seigneurie du 13 Août dernier il appert en outre qu'une fois qu'une entente serait obtenue à l'égard des limites des territoires de la "British North Borneo Company," le Gouvernement Britannique serait prêt à reconnaître comme limite entre les possessions Néerlandaises et celles de Broenai et de Sarawak, la ligne indiquée sur la Carte de MM. Stemford et Siethoff, en laissant aux deux Gouvernements le soin de fixer avec le temps de commun accord les points exacts de cette frontière, et de s'entendre entre eux par rapport aux différends de nature secondaire qui pourraient encore surgir.

En prévision cependant du projet de Convention qui pourra éventuellement être dressé, après que le consentement du Sultan de Broenai et du Rajah de Sarawak aura été obtenu, mon Gouvernement m'a chargé de faire observer qu'il lui paraît peu pratique que cette ligne soit mentionnée comme seule et unique description de la frontière dans le document précité. Le Ministre des Colonies à La Haye est d'avis qu'il vaudrait mieux dans l'intérêt des deux partis faire ressortir dans le projet de Convention que la frontière serait formée par la ligne de partage des eaux des rivières dont les embouchures sont situées dans les territoires des pays respectifs. Le partage des eaux doit du reste coincider à peu près avec la ligne tracée sur la Carte en question, et qui suit partout la crête des montagnes, ainsi que votre Seigneurie peut s'en assurer. Enfin si votre Seigneurie le jugerait utile on pourrait ajouter, qu'en attendant la délimitation sur les lieux les intéressés s'en tiendraient à la démarcation de la susdite Carte Néerlandaise. Bien des difficultés futures pourraient, il me semble, être évitées de cette façon.

En attendant la réponse dont votre Seigneurie voudra bien m'honorer, je me flatte de l'espoir qu'elle trouvera ces propositions acceptables, et je ne manquerai pas de transmettre sans délai à mon Gouvernement tout projet de Convention rédigé dans ce sens, que votre Seigneurie voudrait bien me faire parvenir.

Veuillez, &c.

(Signed) C. DE BYLANDT.

No. 19.

The Marquis of Salisbury to Count Bylandt.

Annex 68

DESPATCH FROM LORD SALISBURY TO COUNT BYLANDT DATED 11 FEBRUARY 1891

Foreign Office, February 11, 1891.

[illegible] making [illegible] possessions [illegible] North Borneo, Sarawak, and Brunei [illegible] the proposal of the Netherlands Government [illegible]

[illegible] the boundary line should start from 4° 10′ on the east coast and should follow [illegible] between the Rivers Simengaris and Soedang [illegible] the whole of the River Simengaris within British territory [illegible]

2. That it should then proceed westward along the parallel of 4° 10′ [illegible] along the summit of that range [illegible]

[illegible] the parallel of 4° 10′ [illegible] across the Island of Sebittik, and give the [illegible] portion [illegible] the Company, provided the above proposal be accepted.

[illegible] Her Majesty's Government are prepared to accept [illegible] the Netherlands Government [illegible]

[illegible] to the boundary between the Netherlands possessions and those of Sarawak and Brunei, respectively, I observe that it is proposed, in your note, [illegible] should be accepted as forming the boundary [illegible] and I have now [illegible] to state that Her Majesty's Government are prepared to accept these [illegible] as forming the boundary between the Netherlands and those two States, leaving the exact positions to be determined hereafter by mutual agreement when the country becomes more developed.

I avail myself of this opportunity to transmit to you the headings of a draft Agreement embodying the result of our several communications on the subject of the boundaries in Borneo between the possessions of the Netherlands and those of the British North Borneo Company, Sarawak and Brunei respectively, which I trust may coincide with the views of the Netherlands Government.

I have, &c.
(Signed) SALISBURY.

No. 10.

The Marquis of Salisbury to Count Bylandt.

M. le Ministre, *Foreign Office, February 11, 1891.*

I HAVE the honour to acknowledge the receipt of your note of the 2nd instant making further proposals for marking the boundary between the Netherlands possessions in Borneo and those of the States of British North Borneo, Sarawak, and Brunei, respectively.

With regard to British North Borneo, I understand the proposal of the Netherlands Government to be:—

1. That the boundary-line should start from 4° 10′ on the coast and should follow in a straight line in a west-north-west direction, between the Rivers Simengaris and Soedang, as far as the point where the 117° of east longitude crosses the parallel of 4° 20′ north latitude, the object being to include the whole of the River Simengaris within Dutch territory; and

2. That it should then proceed westward along the parallel of 4° 20′ as far as the crest of the central mountains which forms the eastern watershed on that parallel; and thence, in a south-westerly direction, along the summit of that range to Gura Peak.

I observe that the Netherlands Government go on to state their willingness to continue the parallel of 4° 10′ eastward across the Island of Sebattick, and give the northern part of that island unreservedly to the Company provided the above proposal be accepted.

I have now the honour to inform you that Her Majesty's Government are prepared to accept the boundary-line thus described; and that they also agree to the further proposal of the Netherlands Government that, in the event of its being found on making a survey, that the Simengaris or any other rivers flowing into the sea below 4° 10′ cross the boundary-line by a short distance, say 5 miles, the line should be so deviated as to include such small portions or bends of rivers, provided a similar concession be granted by the Netherlands Government with regard to all rivers debouching in the Company's territory but turning southwards.

With regard to the boundary between the Netherlands possessions and those of Sarawak and Brunei, respectively, I observed that it is proposed, in your note of the 2nd instant, that the watershed should be accepted in each case as forming the boundary-line, as indicated on the Map by MM. Steinfoort and Siethoff; and I have now accordingly to state that Her Majesty's Government are prepared to accept these watersheds as forming the boundary between the Netherlands and these two States, leaving the exact positions to be determined hereafter by mutual agreement when the country becomes more developed.

I avail myself of this opportunity to transmit to you the headings of a draft Agreement embodying the result of our several communications on the subject of the boundaries in Borneo between the possessions of the Netherlands and those of the British North Borneo Company, Sarawak and Brunei respectively, which I trust may coincide with the views of the Netherlands Government.

I have, &c.
(Signed) SALISBURY.

Inclosure in No. 10.

Headings of Draft Agreement between the British and Netherlands Governments.

ARTICLE 1. The boundary between the Netherlands possessions and those of the British North Borneo Company shall start from 4° 10′ north latitude on the north-east coast of Borneo.

Art. 2. The line shall be continued *westward* from 4° 10′ and follow in a west-north-west direction between the Rivers Simengaris and Soedang, up to the point where the meridian 117° east longitude crosses the parallel of 4° 20′ north latitude, so as to include the whole of the Simengaris River within Dutch territory; it being understood that, in the event of that or any other river flowing into the sea below 4° 10′ being found on survey to cross the proposed boundary-line, within a radius of 5 miles, the line shall be diverted so as to include such small portions or bends of rivers within Dutch territory, a similar concession being made by the Netherlands Government with regard to any rivers debouching in the Company's territory but turning southwards.

Art. 3. The line shall then be continued westward until it reaches the summit of the range of mountains which forms the eastern watershed on that parallel, and then shall follow, in a south-westerly direction, the summit of that range, which forms the watershed between the Netherlands territories and those of the Protected States.

Art. 4. From 4° 10′ north latitude on the north-east coast the line shall be continued eastward along that parallel across the Island of Sebittick; that portion of the island situated to the north of that parallel shall belong unreservedly to the Company, and the portion south of that parallel to the Netherlands.

Art. 5. The navigation of all rivers flowing into the sea between Batoe-Tinagat and the River Sibuco shall be free, except for the transport of war material, and no transport dues shall be levied on other goods passing up those rivers.

Art. 6. The population of Boeloengan shall be allowed to collect jungle produce for fifteen years from the date of the signature of the present Agreement, free from any tax or duty.

Art. 7. The boundary between the Netherlands possessions and the States of Brunei and Sarawak shall be defined by the respective watersheds, that is to say, that the country drained by the rivers running to the East Borneo coast shall belong to the Dutch, and the country drained by the rivers running to the west coast shall belong to the Rulers of Sarawak and Brunei respectively, leaving the exact positions to be determined hereafter by mutual agreement when the country is more developed.

Annex 69

DESPATCH FROM E. MACGREGOR, ADMIRALTY, TO THE FOREIGN OFFICE
DATED 20 FEBRUARY 1891

DESPATCH FROM LORD SALISBURY TO SIR G. BONHAM
DATED 25 FEBRUARY 1891

DESPATCH FROM E. MACGREGOR, ADMIRALTY, TO THE FOREIGN OFFICE
DATED 25 FEBRUARY 1891

DESPATCH FROM SIR G. BONHAM TO LORD SALISBURY
DATED 27 FEBRUARY 1891, ENCLOSING LETTER
FROM SIR G. BONHAM TO MR. M. HARTSEN
DATED 27 FEBRUARY 1891

DESPATCH FROM SIR H. RUMBOLD TO LORD SALISBURY
DATED 8 APRIL 1891, ENCLOSING LETTER FROM
MR. M. HARTSEN TO SIR H. RUMBOLD
DATED 7 APRIL 1891

DESPATCH FROM SIR P. CURRIE, FOREIGN OFFICE, TO ADMIRALTY
DATED 10 APRIL 1891

DESPATCH FROM LORD SALISBURY TO SIR C. SMITH
DATED 17 APRIL 1891

DESPATCH FROM E. MACGREGOR, ADMIRALTY, TO THE FOREIGN OFFICE
DATED 15 APRIL 1891

DESPATCH FROM LORD SALISBURY TO SIR H. RUMBOLD
DATED 17 APRIL 1891

DESPATCH FROM LORD SALISBURY TO SIR C. SMITH
DATED 18 APRIL 1891

No. 13.

Admiralty to Foreign Office.—(Received February 23.)

Sir, *Admiralty, February 20, 1891.*

IN reply to your letter of the 28th ultimo respecting one of Her Majesty's ships being directed to ascertain the exact point on the east coast of Borneo where 4° 10' north latitude reaches the sea, and suggesting that a joint British and Dutch survey of the course of the Rivers Simengari and Soedang should be undertaken, I am commanded by my Lords Commissioners of the Admiralty to request that you will inform the Secretary of State that the officer commanding Her Majesty's surveying ship "Egeria" will, on receipt of a date not less than two and a-half months in advance of the day of the Admiralty learning it, be directed to meet Dutch officers on that date, in order to fix, in conjunction with them, the point on the east coast of Borneo which is cut by the parallel of 4° 10' north; and the Commander-in-chief in China will be directed to send a vessel belonging to his squadron to explore the estuary of these rivers, but that it will be necessary to limit the survey to 20 miles from their mouths, in consequence of the liability of the officers and men to contract malarial fevers in that low tropical delta.

2. My Lords desire me to add that, although they consider a joint survey to be impracticable, a separate survey of a preliminary character could be made at the same time by officers of the two nations, who could compare and rectify any serious discrepancies that may exist between their respective observations.

I am, &c.
(Signed) EVAN MACGREGOR.

No. 14.

The Marquis of Salisbury to Sir G. Bonham.

(No. 16.)

Sir, *Foreign Office, February 25, 1891.*

I HAVE been in communication with the Lords of the Admiralty on the subject of the proposal made by the Netherlands Government, as reported in Mr. Greene's despatch No. 9 of the 21st ultimo, for the institution of a combined survey by British and Dutch naval officers in connection with the intended definition of the boundary between the Dutch possessions in Borneo and the territory of the British North Borneo Company.

I now transmit to you a copy of a letter which I have received from that Department,* conveying their concurrence in the scheme, subject to certain specified conditions, and asking for two and a-half months' notice of the date on which the naval officers of the two nations should meet to concert the necessary measures.

I have to instruct you to make a communication in this sense to the Netherlands Government, and to urge upon them the expediency of an early decision as to the date of meeting, in order that timely directions may be sent to the officers selected to conduct the survey.

I am, &c.
(Signed) SALISBURY.

No. 15.

Admiralty to Foreign Office.—(Received February 26.)

Sir, *Admiralty, February 25, 1891.*

WITH reference to my letter of 20th instant on the subject of fixing a boundary line between the Dutch and British possessions on the north-east coast of Borneo, I am commanded by my Lords Commissioners of the Admiralty to request that you will represent to the Secretary of State that the healthy season there terminates at the end of July, and that if the service above referred to is to be undertaken this year, it will be necessary to do so before the time named, as after that date none of Her Majesty's ships will be on that coast.

I am, &c.
(Signed) EVAN MACGREGOR.

No. 16

Sir G. Bonham to the Marquis of Salisbury.—(Received March 2.)

(No. 21.)

My Lord, *The Hague, February 27, 1891.*

ON receipt of your Lordship's despatch No. 14 of the 25th instant I addressed a note to the Netherlands Minister for Foreign Affairs, of which I have the honour to inclose a copy, expressing the concurrence under certain conditions of Her Majesty Government in the scheme proposed by the Netherlands Government for the combin survey by British and Dutch naval officers of part of the north-east coast of Borneo, with view to the definition of a boundary between the Dutch possessions in Borneo and t territory of the British North Borneo Company.

In making this communication, I have expressed in the terms of the letter from t Lords Commissioners of the Admiralty, of which a copy is inclosed in your Lordship despatch, the conditions subject to which this concurrence is granted, and have furth urged the expediency of an early decision as to the date on which the officers of the tw countries should meet, in order that timely directions may be sent by Her Majesty Government to the officers selected by them to conduct the survey.

I have, &c.

(Signed) G. F. BONHAM.

Inclosure in No. 16.

Sir G. Bonham to M. Hartsen.

M. le Ministre, *The Hague, February 27, 1891.*

MY predecessor, Mr. Greene, did not fail to communicate to Her Majesty's Government the proposal contained in your Excellency's note of the 20th ultimo, that the surv which it is proposed to make of the east coast of Borneo with the object of ascertainin the exact point where 4° 10′ north latitude reaches, it should be conducted by officers the English and Dutch ships of war combined, who should be further instructed to explo the course of the Rivers Simengari and Soedang, with a view to determining the bounda between the Dutch and British possessions.

In pursuance of instructions which I have received from Her Majesty's Secretary State for Foreign Affairs, I have now the honour to inform your Excellency that H Majesty's Government concur in the proposal contained in your Excellency's note subje to certain conditions, and ask that they may receive two and a-half months' clear noti of the date on which the naval officers of the two nations should meet to concert th necessary measures.

On this date being fixed, and stress is laid on its not being less than two and a-ha months after Her Majesty's Government being made acquainted with it, the officer com manding Her Majesty's surveying ship "Egeria" will be directed to meet Dutch officer in order to fix, in conjunction with them, the point on the east coast of Borneo which cut by the parallel 4° 10′ north, and the Commander-in-chief in China will be directe to send a vessel belonging to the squadron to explore the estuary of the Rivers Simenga and Soedang; but it will be necessary to limit the survey to 20 miles from their mouth on account of the unhealthy conditions of that district. It is further pointed out by t Admiralty, to whom your Excellency's suggestion was referred, that, although a joi survey would be impracticable, a practical survey of a preliminary character could l made at the same time by officers of the two nations, who could compare and rectify an serious discrepancies that may arise between their respective observations.

In making this communication to your Excellency, in obedience to my instruction I am further to urge on the Netherlands Government the expediency of an early decisi as to the date of meeting, in order that timely directions may be sent to the office selected to conduct the survey.

I avail, &c.

(Signed) G. F. BONHAM.

No. 4.

Sir H. Rumbold to the Marquis of Salisbury.—(Received April 9.)

(No. 42.)

My Lord,

The Hague, April 8, 1891.

I HAVE the honour to inclose the copy of a further note which reached me from the Minister for Foreign Affairs yesterday evening on the subject of the joint survey by which it is proposed to determine the exact point at which the parallel 4° 10′ of north latitude cuts the north-east coast of Borneo.

The Minister, while acknowledging the receipt of the communication which I addressed to him on the 2nd instant, in the terms of your Lordship's despatch No. 29 of the 25th ultimo, suggests that, in view of Her Majesty's Government having agreed to the Dutch proposal that the above-named parallel should be considered as the boundary between the British and Dutch possessions in the Island of Sibittik, it would be well that the two vessels intrusted with the survey should at the same time be charged to fix the exact points at which the parallel in question crosses the coasts of the island, and to draw up the necessary Maps.

I have, &c.

(Signed) HORACE RUMBOLD.

Inclosure in No. 4.

M. Hartsen to Sir H. Rumbold.

M. le Ministre,

La Haye, le 7 Avril, 1891.

JE n'ai pas manqué de porter à la connaissance du Ministre des Colonies le contenu du votre lettre du 2 de ce mois, concernant l'expédition combinée projetée dans le but de déterminer à quel point sur la côte orientale de l'Ile de Bornéo, près de Broershoek, se trouve le parallèle 4° 10′ latitude nord, afin que mon collègue puisse en informer incontinent le Gouverneur-Général des Indes Néerlandaises.

Le Gouvernement des Pays-Bas est d'avis, M. le Ministre, qu'étant donné que le Gouvernement de Sa Majesté Britannique vient de se rallier à votre proposition, tendant à accepter le parallèle 4° 10′ latitude nord comme limite entre les possessions Néerlandaises et Britanniques sur l'Ile de Sibittik, il serait désirable de faire usage de la présence dans ces parages des deux navires en question pour déterminer également les deux points exacts où ce parallèle coupe la côte de la dite île et en dresser des Cartes.

Je vous serais fort obligé si vous vouliez bien me faire connaître l'opinion de votre Gouvernement à l'égard de ce qui précède, et j'ai, &c.

(Signé) HARTSEN.

No. 5.

Foreign Office to Admiralty.

Sir, *Foreign Office, April* 10, 1891.

WITH reference to your letter of the 26th ultimo and to previous correspondence respecting the arrangements for determining, in conjunction with Dutch officials, the precise spot where the parallel of 4° 10′ north latitude strikes the coast at Broershoek in Sibuko Bay, Borneo, I am directed by the Marquis of Salisbury to transmit herewith a copy of a despatch from Her Majesty's Minister at the Hague,* from which it will be seen that the Netherlands Government are anxious that the exact points at which the parallel in question crosses the coasts of the Island of Sibittick should also be fixed.

In view of the proposed arrangement for settling the long-disputed question of the boundary between the Netherlands possessions in Borneo and those of the British-protected States, as explained in the accompanying copy of a note to Count Bylandt of the 11th March,† Lord Salisbury is of opinion that it would be desirable to comply with the wishes of the Netherlands Government in this matter.

I am accordingly to inquire whether the Lords of the Admiralty will issue the necessary instructions to the commanding officers of the British men-of-war about to be dispatched to the coast of Borneo.

I am, &c.
(Signed) P. CURRIE.

---

* No. 4.

† To Count Bylandt, March 11, 1891.

BORNEO. [Section No. [illegible].]

CONFIDENTIAL.

No. 1.

The Marquis of Salisbury to Sir C. Smith.

(No. 5.)

Foreign Office, April 17, 1891.

Sir,

WITH reference to my despatch No. 4 of the 28th ultimo, I transmit herewith, for your information, copies of further correspondence, as marked in the margin,* from which you will perceive that the Commanding Officer of Her Majesty's ship "Egeria" has been instructed to fix the positions of parallel 4° 10′ north latitude on both coasts of the Island of Sebattik.

I am, &c.

(Signed) SALISBURY.

No. 2.

Admiralty to Foreign Office.—(Received April 17.)

Admiralty, April 15, 1891.

Sir,

IN reply to your letter of the 10th instant, inclosing copy of a despatch from Her Majesty's Minister at the Hague, with reference to the boundary-line between British and Dutch possessions in Borneo, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for Foreign Affairs, that they have instructed, by telegram of the 13th instant, the Commander-in-chief on the China Station to order the Commanding Officer of Her Majesty's ship "Egeria" to fix the positions of 4° 10′ parallel on both coasts of the Island of Sebattik.

I am, &c.

(Signed) EVAN MACGREGOR.

No. 3.

The Marquis of Salisbury to Sir H. Rumbold.

(No. 32.)

Foreign Office, April 17, 1891.

Sir,

WITH reference to your despatch No. 42 of the 8th instant, I have to request that you will inform the Netherlands Government that the Commanding Officer of Her Majesty's ship "Egeria" will be instructed to fix the positions of parallel 4° 10′ north latitude on both coasts of the Island of Sebattik.

I am, &c.

(Signed) SALISBURY.

No. 4.

The Marquis of Salisbury to Sir C. Smith.

Foreign Office, April 18, 1891.

(Telegraphic.)

MY telegram of 24th ultimo.

At suggestion of Dutch Government, Commanding Officer of "Egeria" will also be instructed to fix positions of 4° 10′ north latitude on both coasts of the Island of Sebattik.

---

* Sir H. Rumbold, No. 42, April 8; and No. 2.

Annex 70

LETTER FROM B. KINDERSLEY, SECRETARY, BRITISH NORTH BORNEO COMPANY, TO THE FOREIGN OFFICE DATED 21 FEBRUARY 1891

No. 5.—ST. PETERSBURG.

BORNEO.

[Section No. 22.]

CONFIDENTIAL.

No. 1.

British North Borneo Company to Foreign Office.—(Received February 21.)

15, Leadenhall, Street, London, February 21, 1891.

Sir,

IN reply to your despatch of the 5th instant, inclosing one from the Netherlands Minister, for any observations from the Court of Directors, I am instructed by them to submit the following:—

1. The new matter contained in the Netherlands boundary proposal under consideration is the deviation of the line westward from Broersbeek from the parallel of 4° 10′ north latitude to that of 4° 20′ north in longitude 117° east; and thence westward along that parallel, in order to give the Netherlands the whole of the Simengaris River, the mouth of which is assumed to be south of 4° 10′ and its course to be generally south of 4° 20′.

It is understood from the Netherlands Minister that his Government have in their possession some new Charts, on a larger scale than any yet produced, which show the actual course (for some distance, at least) of this river, as well as the position of Gura Peak and some of the other high peaks of the Central Range referred to in that despatch; and it seems a pity that, if a Map is to be even temporarily adopted, the Court should not be in possession of this latest information. The idea of the Court of Directors in suggesting a geographical boundary, such as has been adopted in New Guinea and elsewhere, was to be entirely independent of Maps which did not pretend to accuracy, and to ignore the course of any of the rivers.

The Netherlands Government, however, seems to attach great importance to the inclusion of the Simengaris in their territory, and the Court, being desirous of meeting its wishes as far as possible, raise no objection to the boundary being run from the point where the parallel of 4° 10′ north cuts the coast at Broersbeek to the 117th meridian of east longitude in 4° 20′ north, provided that the Netherlands Government assents to the line westward from that point being drawn to Gura Peak.

The object of the Directors is not any extension of territory; but as the Netherlands Government stipulates for the boundary with Brunei and Sarawak being included in the present settlement, they have to point out that they claim as their western boundary a line drawn from Gura Peak in a north-westerly direction, as shown in the Map laid before Parliament ~~in 1882~~, as well as in those since published by the Company, to the Sipitong River. The accompanying photograph of the Dutch Map referred to in the despatch under consideration shows the lines referred to. It may be regarded as certain that Gura Peak forms part of the Watershed Range, which would be the division between the Dutch territory and Sarawak, and is, in fact, a natural boundary-mark both northward and southward so far as they are concerned.

The Directors hope that their willingness to accede to the wish of the Netherlands Government as regards the line from the east coast to the 117th meridian of longitude will be met by that Government in a similar spirit as to the portion to the westward of it.

2. It is understood that, should the Simengaris or any other rivers flowing into the sea below 4° 10′ cross the proposed boundary-line by a short distance—say 5 miles—my Court would have no objection to the line being deviated so as to include such small portions or bends of rivers, although their preference is for a straight line drawn from point to point. The same concession would, of course, be made by the Netherlands Government with regard to all rivers debouching in the Company's territory but turning southward.

3. The Directors assume that, when any kind of Convention is made with the Dutch, the free navigation of rivers, and other matters concerning trade, will be safeguarded for them by Her Majesty's Government.

4. The Court regret that the Netherlands Government do not see their way to drawing the boundary-line eastward from Broersbock through the centre of the channel between Sebattick and East Nenenokan Islands; but as their principal object is to have under their jurisdiction both sides of the bay into which the Kalabacking River flows, and as they understand that this object will be secured by following the parallel of 4° 10′ across the Island, they are also willing on this point to accept the proposal of the Netherlands Government.

I have, &c.
(Signed) BENJ. T. KINDERSLEY, *Secretary.*

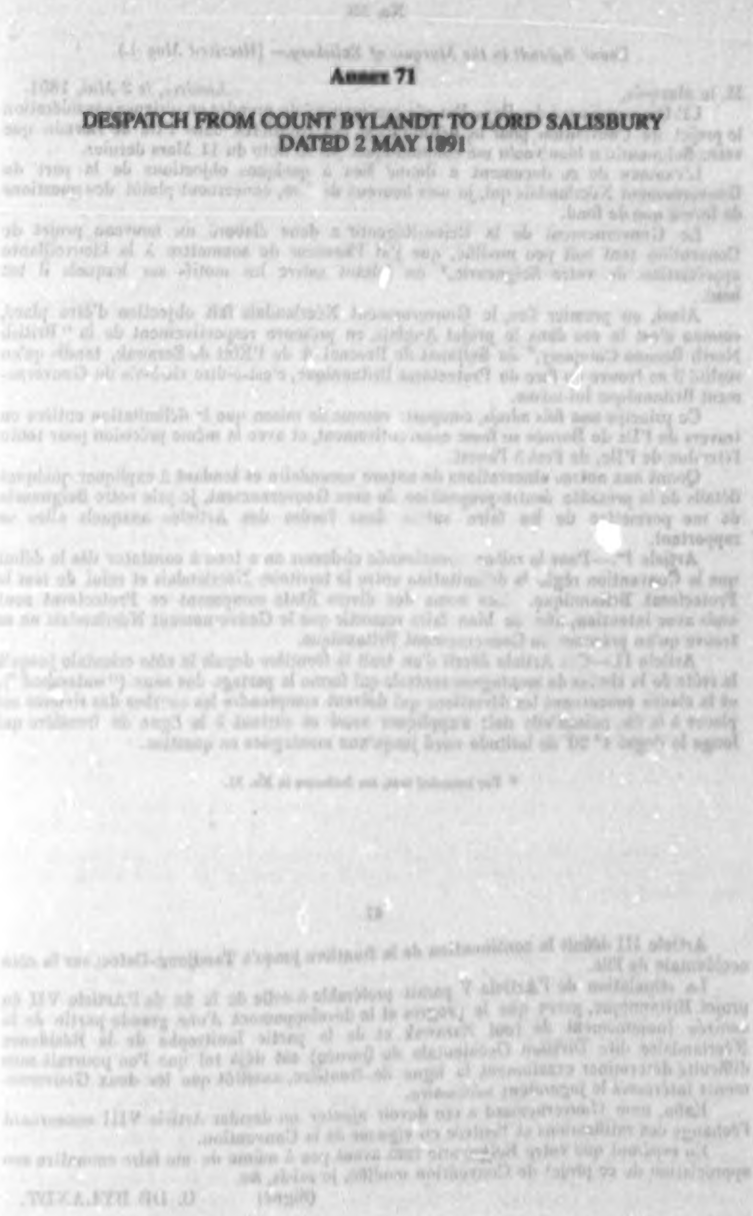
Inclosure in No. 1.

Photograph of Portion of Map of the Netherlands Possessions in the East Indies.

[Not printed.]

Annex 71

DESPATCH FROM COUNT BYLANDT TO LORD SALISBURY
DATED 2 MAY 1891



No. 50.

Count Bylandt to the Marquis of Salisbury.—(Received May 4.)

M. le Marquis, *Londres, le 2 Mai*, 1891.

LE Gouvernement des Pays-Bas n'a pas manqué de prendre en sérieuse considération le projet de Convention pour la délimitation des frontières dans l'Ile de Bornéo que votre Seigneurie a bien voulu me communiquer par sa note du 11 Mars dernier.

L'examen de ce document a donné lieu à quelques objections de la part du Gouvernement Néerlandais qui, je suis heureux de dire, concernent plutôt des questions de forme que de fond.

Le Gouvernement de la Reine-Régente a donc élaboré un nouveau projet de Convention tant soit peu modifié, que j'ai l'honneur de soumettre à la bienveillante appréciation de votre Seigneurie,* en faisant suivre les motifs sur lesquels il est basé.

Ainsi, en premier lieu, le Gouvernement Néerlandais fait objection d'être placé, comme c'est le cas dans le projet Anglais, en présence respectivement de la "British North Borneo Company," du Sultanat de Brounai et de l'État de Sarawak, tandis qu'en réalité il se trouve en face du Protectorat Britannique, c'est-à-dire vis-à-vis du Gouvernement Britannique lui-même.

Ce principe une fois admis, comporte comme de raison que la délimitation entière en travers de l'Ile de Bornéo se fasse consécutivement, et avec la même précision pour toute l'étendue de l'Ile, de l'est à l'ouest.

Quant aux autres observations de nature secondaire et tendant à expliquer quelques détails de la présente contre-proposition de mon Gouvernement, je prie votre Seigneurie de me permettre de les faire suivre dans l'ordre des Articles auxquels elles se rapportent.

Article I^{er}.—Pour la raison mentionnée ci-dessus on a tenu à constater dès le début que la Convention règle la délimitation entre le territoire Néerlandais et celui de *tout* le Protectorat Britannique. Les noms des divers États composant ce Protectorat sont omis avec intention, afin de bien faire ressortir que le Gouvernement Néerlandais ne se trouve qu'en présence du Gouvernement Britannique.

Article II.—Cet Article décrit d'un trait la frontière depuis la côte orientale jusqu'à la crête de la chaîne de montagnes centrale qui forme le partage des eaux ("watershed"); et la clause concernant les déviations qui doivent comprendre les courbes des rivières est placée à la fin, puisqu'elle doit s'appliquer aussi et surtout à la ligne de frontière qui longe le degré 4° 20′ de latitude nord jusqu'aux montagnes en question.

---

* For amended text, see Inclosure in No. 71.

41

Article III définit la continuation de la frontière jusqu'à Tandjong-Datoe, sur la côte occidentale de l'Ile.

La stipulation de l'Article V paraît préférable à celle de la fin de l'Article VII du projet Britannique, parce que le progrès et le développement d'une grande partie de la contrée (nommément de tout Sarawak et de la partie limitrophe de la Résidence Néerlandaise dite Division Occidentale de Bornéo) est déjà tel que l'on pourrait sans difficulté déterminer exactement la ligne de frontière, aussitôt que les deux Gouvernements intéressés le jugeraient nécessaire.

Enfin, mon Gouvernement a cru devoir ajouter un dernier Article VIII concernant l'échange des ratifications et l'entrée en vigueur de la Convention.

En espérant que votre Seigneurie sera avant peu à même de me faire connaître son appréciation de ce projet de Convention modifié, je saisis, &c.

(Signé) C. DE BYLANDT.

Annex 72

DESPATCH FROM LORD SALISBURY TO COUNT BYLANDT
DATED 25 MAY 1891

Lord Salisbury to Count Bylandt.

Foreign Office, May 25, 1891.

M. le Comte,

I [illegible] the boundaries between the Netherland possessions in the Island of Borneo and the [illegible]

[illegible]

I have, &c.

Inclosure in No. [illegible]

Draft Convention.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, [illegible] the boundaries between the Netherland possessions in the Island of Borneo and the States in that Island which are under British protection, have resolved to conclude a Convention to that effect, and have appointed as their Plenipotentiaries for that purpose, that is to say:—

[illegible] have agreed upon the following Articles:—

ARTICLE I.

The boundary between the Netherland possessions in Borneo and those of the British protected States in the same Island shall start from 4° 10' north latitude on the east coast of Borneo.

ARTICLE II.

The line shall be continued westward from 4° 10' north latitude, and follow in a west-north-west direction, between the Rivers Simengaris and Soebang, up to the point where the meridian 117° east longitude crosses the parallel 4° 20' north latitude, with the view of including the Simengaris River within Dutch territory. The boundary-line shall then follow westward the parallel 4° 20' north latitude until it reaches the summit of the range of mountains which forms, on that parallel, the watershed between the rivers running to the north-west and west coasts and those running to the east coast and south coast of Borneo, it being understood that, in the event of the Simengaris River or any other river flowing into the sea below 4° 10', being found on survey to cross the proposed boundary-line within a radius of 5 geographical miles, the line shall be diverted so as to include such small portions or bends of rivers within Dutch territory; a similar concession being made by the Netherland Government with regard to any river debouching above 4° 10' on the territory of the British North Borneo Company, but turning southwards.

No. 71.

The Marquis of Salisbury to Count Bylandt.

M. le Ministre, *Foreign Office, May 26, 1891.*

I HAVE the honour to inform you that, subject to certain alterations on points of detail, the draft Convention inclosed in your note of the 2nd instant, for defining the boundaries between the Netherland possessions in the Island of Borneo and the States in that island under British protection, is accepted by Her Majesty's Government, and I shall have much pleasure in proceeding to the signature of the Convention on hearing from you that the inclosed printed copy, in which the amendments suggested by Her Majesty's Government have been included, is in accordance with the views of the Government of Her Majesty the Queen-Regent.

I have, &c.
(Signed) SALISBURY.

Inclosure in No. 71.

Draft Convention.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and Her Majesty the Queen-Regent of the Netherlands, in the name of her daughter, Her Majesty the Queen of the Netherlands, being desirous of defining the boundaries between the Netherland possessions in the Island of Borneo and the States in that island which are under British protection, have resolved to conclude a Convention to that effect, and have appointed as their Plenipotentiaries for that purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable Robert Arthur Talbot Gascoyne Cecil, Marquis of Salisbury, Earl of Salisbury, Viscount Cranborne, Baron Cecil, Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, Member of Her Majesty's Most Honourable Privy Council, Her Majesty's Principal Secretary of State for Foreign Affairs, &c.; and Her Majesty the Queen-Regent of the Netherlands, Count Charles Malcolm Ernest Georges de Bylandt, Knight Grand Cross of the Order of the Netherland Lion, her Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James', who, having produced their full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The boundary between the Netherland possessions in Borneo and those of the British-protected States in the same island shall start from 4° 10′ north latitude on the east coast of Borneo.

ARTICL

The line shall be continued westward from 4° 10′ north latitude, and follow in a west-north-west direction, between the Rivers Simengaris and Soedang, up to the point where the meridian 117° east longitude crosses the parallel 4° 20′ north latitude, with the view of including the Simengaris River within Dutch territory. The boundary-line shall then follow westward the parallel 4° 20′ north latitude until it reaches the summit of the range of mountains which forms on that parallel the watershed between the rivers running to the north-west and west coasts and those running to the east coast and south coast of Borneo, it being understood that, in the event of the Simengaris River or any other river flowing into the sea below 4° 10′, being found on survey to cross the proposed boundary-line within a radius of 5 geographical miles, the line shall be diverted so as to include such small portions or bends of rivers within Dutch territory; a similar concession being made by the Netherland Government with regard to any river debouching above 4° 10′ on the territory of the British North Borneo Company, but turning southwards.

ARTICLE III.

From the summit of the range of mountains mentioned in Article II to Tandjong-Datoe on the west coast of Borneo, the boundary-line shall follow the watershed of the rivers running to the north-west and west coasts and of those running to the west coast (south of Tandjong-Datoe), the south coast, and the east coast (south of Broensbeek and of the line laid down in Article II).

ARTICLE IV.

From 4° 10′ north latitude on the north-east coast the line shall be continued eastward along that parallel across the Island of Sebittik: that portion of the island situated to the north of that parallel shall belong unreservedly to the British North Borneo Company, and the portion south of that parallel to the Netherlands.

ARTICLE V.

The exact positions of the boundary-line, as described in the four preceding Articles, shall be determined hereafter by mutual agreement, at such times as the Netherland and the British Governments may think fit.

ARTICLE VI.

The navigation of all rivers flowing into the sea between Batoe-Tinagat and the River Siboekoe shall be free, except for the transport of war material; and no transport duties shall be levied on other goods passing up those rivers.

ARTICLE VII.

The population of Boelongan shall be allowed to collect jungle produce in the territory between the Simengaris and the Tawao Rivers for fifteen years from the date of the signature of the present Convention, free from any tax or duty.

ARTICLE VIII.

The present Convention shall be ratified, and it shall come into force three months after the exchange of the ratifications, which shall take place at London one month, or sooner if possible, after the said Convention shall have received the approval of the States-General.

In witness whereof the Undersigned have signed the present Convention, and have affixed thereto their seals.

Done at London, in duplicate, this day of , 1891.

Annex 73

DESPATCH FROM COUNT DE BYLANDT TO LORD SALISBURY
DATED 9 JUNE 1891

No. 81.

Count de Bylandt to the Marquis of Salisbury.—(*Received June* 10.)

M. le Marquis, *Londres, le* 9 *Juin*, 1801.

JE n'ai pas manqué de transmettre à mon Gouvernement la note que votre Seigneurie m'a fait l'honneur de m'adresser en date du 25 Mai dernier, au sujet de la question de la délimitation des possessions Néerlandaises, et des territoires qui sont sous le Protectorat Britannique dans l'Ile de Bornéo, de même que le projet de Convention qui y était joint.

Aujourd'hui je me trouve chargé, en réponse, de soumettre à la bienveillante appréciation de votre Seigneurie, les quelques observations suivantes, que mon Gouvernement a cru devoir faire après un examen minutieux de ce dernier document:—

1. Dans le préambule de la Convention, la Souveraine des Pays-Bas devrait être titrée et qualifiée dans les termes suivants: "Her Majesty the Queen-Dowager, Regent of the Netherlands, in the name of Her Majesty, Wilhelmina, Queen of the Netherlands," et de même plus loin où les Plénipotentiaires sont nommés "Her Majesty the Queen-Dowager, Regent of the Netherlands." Enfin, au lieu de "her Envoy," il serait préférable de dire "Her Majesty's Envoy," &c.

2. Le Gouvernement Néerlandais propose de se servir, au commencement de l'Article II, du mot, "boundary-line," au lieu de "line" tout court, et d'omettre dans lignes 12 et 13 les mots "West Coast" et "South Coast." Il est question dans cet Article de la chaîne de montagnes qui, sur le parallèle 4° 20' de latitude nord, forme le partage des eaux. D'un point de vue purement géographique, il ne peut par conséquent être question ici que des rivières qui coulent vers la côte nord-ouest, et de celles qui coulent vers la côte orientale, car le partage des eaux des rivières qui coulent vers les côtes occidentales et méridionales, ne se trouve certes pas sur le parallèle 4° 20' de latitude nord.

3. Dans l'Article III, il serait plus précis d'ajouter après les mots "North-west and west coasts," les mots "north of Tandjong Datoe" (sans parenthèses), tandis qu'on propose aussi d'omettre les parenthèses avant et après les mots "south of Tandjong Datoe," et avant et après les mots "South of Broershoek."

4. On est d'avis que les mots "and of the line laid down in Article II," qui ont été ajoutés à la fin de l'Article III, paraissent moins corrects, car cette ligne ne touche la côte qu'à son extrémité orientale. Une rivière peut se jeter dans la mer au sud de Broershoek, mais il est impossible qu'il y en ait qui se jettent dans la mer "south of the line laid down in Article II."

5. Le Gouvernement des Pays-Bas propose de dire dans l'Article IV "boundary-line," au lieu de "line," et enfin il demande—

6. D'insérer dans l'Article VIII le mot "Netherland" avant "States-General."

En soumettant au bienveillant examen de votre Seigneurie l'exemplaire ci-joint du projet de Convention, accompagné d'une traduction Néerlandaise, tous deux modifiés dans le sens précité, je tiens particulièrement à faire ressortir la nature secondaire et formelle des changements suggérés. Aussi le Ministre des Affaires Étrangères ose-t-il espérer que, maintenant que les deux Gouvernements intéressés sont d'accord sur la teneur de la Convention, le Gouvernement Britannique ne verra point d'objections à accéder à ces quelques modifications formelles.

Je puis enfin ajouter que dans cet espoir on s'occupe déjà à La Haye de la rédaction du plein pouvoir qui m'est destiné afin de pouvoir le soumettre à la signature de Sa Majesté la Reine-Régente, aussitôt que l'avis aura été reçu que les petites modifications en question auront été acceptées par le Gouvernement de Sa Majesté Britannique.

Veuillez, &c.

(Signé) C. DE BYLANDT.

Annex 74

DESPATCH FROM LORD SALISBURY TO COUNT DE BYLANDT DATED 12 JUNE 1891

No. 82.

The Marquis of Salisbury to Count de Bylandt.

M. le Ministre, *Foreign Office, June 12, 1891.*

IN reply to your note of the 9th instant, I have the honour to inform you that the alterations proposed by you on behalf of the Netherlands Government in the draft Convention relative to the Borneo boundary are accepted by Her Majesty's Government.

I beg leave, therefore, to state that I shall be ready to sign the Convention as amended as soon as you have received full powers to do so.

I have, &c.

(Signed) SALISBURY.

Annex 75

CONVENTION BETWEEN GREAT BRITAIN AND THE NETHERLANDS DEFINING BOUNDARIES IN BORNEO DATED 20 JUNE 1891

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and Her Majesty the Queen-Dowager, Regent of the Netherlands, in the name of Her Majesty Wilhelmina, Queen of the Netherlands, being desirous of defining the boundaries between the Netherland possessions in the Island of Borneo and the States in that island which are under British protection, have resolved to conclude a Convention to that effect, and have appointed as their Plenipotentiaries for that purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable Robert Arthur Talbot Gascoyne Cecil, Marquis of Salisbury, Earl of Salisbury, Viscount Cranborne, Baron Cecil, Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, Member of Her Majesty's Most Honourable Privy Council, Her Majesty's Principal Secretary of State for Foreign Affairs, &c.; and Her Majesty the Queen-Dowager, Regent of the Netherlands, Count Charles Malcolm Ernest Georges de Bylandt, Knight Grand Cross of the Order of the Netherland Lion, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James'; who, having produced their Full Powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The boundary between the Netherland possessions in Borneo and those of the British-protected States in the same island, shall start from 4° 10' north latitude on the east coast of Borneo.

ARTICLE II.

The boundary-line shall be continued westward from 4° 10' north latitude, and follow in a west-north-west direction,

HARE Majesteit de Koningin van het Vereenigd Koninkrijk van Groot Brittannië en Ierland, Keizerin van Indië, en Hare Majesteit de Koningin Weduwe, Regentes der Nederlanden, in naam van Hare Majesteit Wilhelmina, Koningin der Nederlanden, wenschende de grenzen vast te stellen tusschen de Nederlandsche bezittingen op het Eiland Borneo en de Staten op dat eiland, die onder Britsch Protectoraat staan, hebben goedgevonden tot dat doel een verdrag te sluiten, en hebben te dien einde als Hare Gevolmachtigden benoemd, te weten:

Hare Majesteit de Koningin van het Vereenigd Koninkrijk van Groot Brittannië en Ierland, Keizerin van Indië, den Heer Robert Arthur Talbot Gascoyne Cecil, Markies van Salisbury, Graaf van Salisbury, Burggraaf Cranborne, Baron Cecil, Pair van het Vereenigd Koninkrijk, Ridder van de Orde van den Kouseband, Lid van Harer Majesteit's Geheimen Raad, Harer Majesteit's voornaamsten Secretaris van Staat voor Buitenlandsche Zaken, enz.; en Hare Majesteit de Koningin Weduwe, Regentes der Nederlanden, Graaf Charles Malcolm Ernest Georges van Bylandt, Ridder-Grootkruis van de Orde van den Nederlandschen Leeuw, Harer Majesteit's Buitengewoon Gezant en Gevolmachtigd Minister bij het Hof van St. James; welke na elkander hunne wederzijdsche volmachten, die in goeden en behoorlijken vorm zijn bevonden, te hebben medegedeeld, het volgende hebben bepaald:—

ARTIKEL I.

De grens tusschen de Nederlandsche bezittingen op Borneo en die der tot het Britsch Protectoraat behoorende staten op dat eiland zal aanvangen op 4° 10' noorder breedte op de oostkust van Borneo.

ARTIKEL II.

De grenslijn zal van 4° 10' noorder breedte westwaarts vervolgd worden, en in eene westnoordwestelijke richting

BEST COPY AVAILABLE

between the Rivers Simengaris and Soedang, up to the point where the meridian 117° east longitude crosses the parallel 4° 20′ north latitude, with the view of including the Simengaris River within Dutch territory. The boundary-line shall then follow westward the parallel 4° 20′ north latitude until it reaches the summit of the range of mountains which forms on that parallel the watershed between the rivers running to the north-west coast and those running to the east coast of Borneo, it being understood that, in the event of the Simengaris River or any other river flowing into the sea below 4° 10′, being found on survey to cross the proposed boundary-line within a radius of 5 geographical miles, the line shall be diverted so as to include such small portions or bends of rivers within Dutch territory; a similar concession being made by the Netherland Government with regard to any river debouching above 4° 10′ on the territory of the British North Borneo Company, but turning southwards.

loopen tusschen de Simengaris en Soedang rivieren tot het punt waar de meridiaan van 117° oosterlengte van Greenwich de parallel 4° 20′ noorder breedte snÿdt, met het doel om de Simengaris rivier tot het Nederlandsch grondgebied te doen behooren. De grenslÿn zal dan westwaarts de parallel 4° 20′ noorder breedte volgen tot dat zÿ het hoogste punt bereikt van de bergketen, welke op die parallel de waterscheiding vormt tusschen de rivieren die naar de noordwestkust, en die welke naar de oostkust van Borneo afstroomen, met dien verstande, dat ingeval de Simengaris rivier of eenige andere rivier, welke ten zuiden van 4° 10′ noorderbreedte in zee valt, na opneming, de gestelde grenslÿn blÿkt te overschrÿden binnen een afstand van 5 geographische mÿlen, de lÿn zoodanig zal gewÿzigd worden dat zulke kleine gedeelten of bochten van rivieren in het Nederlandsch grondgebied worden ingesloten; eene gelÿke concessie wordt door de Nederlandsche Regeering gedaan ten aanzien van eenige rivier welke uitmondt benoorden 4° 10′ op het gebied der Britsche Noord Borneo Maatschappÿ, doch zuidwaarts de grenslÿn overschrÿdt.

ARTICLE III.

From the summit of the range of mountains mentioned in Article II, to Tandjong-Datoe on the west coast of Borneo, the boundary-line shall follow the watershed of the rivers running to the north-west and west coasts, north of Tandjong-Datoe, and of those running to the west coast south of Tandjong-Datoe, the south coast, and the east coast south of 4° 10′ north latitude.

ARTIKEL III.

Van het hoogste punt van de bergketen bedoeld in Artikel II tot Tandjong-Datoe aan de westkust van Borneo zal de grenslÿn de waterscheiding volgen van de rivieren die afstroomen naar de noordwest en westkusten benoorden Tandjong-Datoe, en van die welke afstroomen naar de westkust bezuiden Tandjong-Datoe, de zuidkust en de oostkust bezuiden 4° 10′ noorder breedte.

ARTICLE IV.

From 4° 10′ north latitude on the east coast the boundary-line shall be continued eastward along that parallel, across the Island of Sebittik: that portion of the island situated to the north of that parallel shall belong unreservedly to the British North Borneo Company, and the portion south of that parallel to the Netherlands.

ARTIKEL IV.

Van 4° 10′ noorder breedte ter oostkust zal de grenslÿn oostwaarts vervolgd worden langs die parallel over het eiland Sebittik; het gedeelte van dat eiland dat gelegen is ten noorden van die parallel zal onvoorwaardelÿk toebehooren aan de Britsche Noord Borneo Maatschappÿ, en het gedeelte ten zuiden van die parallel aan Nederland.

ARTICLE V.

The exact positions of the boundary-line, as described in the four preceding Articles, shall be determined hereafter by mutual agreement, at such times as the Netherland and the British Governments may think fit.

ARTIKEL V.

De juiste ligging van de grenslÿn in de vier voorgaande artikelen omschreven, zal later in onderling overleg worden aangewezen op de tÿdstippen die de Nederlandsche en Britsche Regeeringen daarvoor geschikt zullen oordeelen.

ARTICLE VI.

The navigation of all rivers flowing into the sea between Batoe-Tinagat and the River Siboekoe shall be free, except for the transport of war material; and no transport duties shall be levied on other goods passing up those rivers.

ARTICLE VII.

The population of Boelongan shall be allowed to collect jungle produce in the territory between the Simengaris and the Tawao Rivers for fifteen years from the date of the signature of the present Convention, free from any tax or duty.

ARTICLE VIII.

The present Convention shall be ratified, and it shall come into force three months after the exchange of the ratifications, which shall take place at London one month, or sooner if possible, after the said Convention shall have received the approval of the Netherland States-General.

In witness whereof the Undersigned have signed the present Convention, and have affixed thereto their seals.

Done at London, in duplicate, this 20th day of June, 1891.

ARTIKEL VI.

De scheepvaart op alle rivieren die tusschen Batou-Tinagat en de Sibockoe-rivier in zee uitmonden zal vrÿ zÿn, uitgezonderd voor het vervoer van oorlogsmateriëel, en op het vervoer van andere goederen, welke deze rivieren opgevoerd worden, zullen geen rechten geheven worden.

ARTIKEL VII.

Gedurende vÿftien jaren, gerekend van den dag der onderteekening van deze Conventie, zal het aan de bevolking van Boelongan vrÿstaan boschproducten te verzamelen in het gebied tusschen de Simengaris en Tawao rivieren, vrÿ van belasting of welke andere heffing ook.

ARTIKEL VIII.

Deze Conventie zal bekrachtigd worden en zÿ zal in werking komen drie maanden na de uitwisseling der ratificatien, die zal plaats hebben te Londen eene maand, of zoo mogelÿk vroeger, nadat de Conventie de goedkeuring der Nederlandsche Staten Generaal zal hebben verkregen.

Ten blÿke waarvan de wederzÿdsche gevolmachtigden dezelve hebben onderteekend en met hunne wapenen bezegeld.

Gedaan in dubbel te Londen, den = 20sten Juni, 1891.

Signed Salisbury

" d. v. Bylandt

Annex 76

OBSERVATIONS ON SPOT NEAR NORTH POINT OF EAST NONOKONG ISLAND BY COMMANDER A. MOSTYN FIELD DATED 1 JULY 1891

Inclosure 3 in No. 102.

Observations on Spot near North Point of East Nanukan Island.

THE observation spot in latitude 4° 08′ 40″ N., and longitude 117° 30′ 12·8″ E., is on the edge of a cliff about 20 feet high, at the back of which, in a southerly direction, the trees are cut down. Many of these trees are of large timber, and the clearing cannot fail to be recognizable for many years. From the observation spot, the left extreme of Broershock Point (showing as a sharp and bold tangent) bears N. 61° 18′ W. (true), and the left extreme of Maienluk Island bears N. 10° 20′ W. A sharp wooded summit, about 6 miles distant, N. 70° 33′ W., and the mark placed on the south-eastern extreme of Broershock Point N. 52° 18′ W. about 1·7 miles. An additional means of identifying the exact spot is a large solitary tree growing in the water about 20 yards from the high line which bears N. 29° E., distant about 30 yards. West of the observation spot the mangroves begin and the sandy beaches end.

Beacon on Parallel of 4° 10′ on West Coast of Sebattik Island.

The point where 4° 10′ cut the west coast of Sebattik Island is identified by a wooden beacon erected by Her Majesty's ship "Rattler," consisting of a large painted tripod, the head of which is secured by wire rope and spike nails, the heels of the spars being firmly driven into the mud.

A sketch and angles have been obtained from this spot, from which the observation spot bears S. 61° 45′ W. (true), distant 2·773 miles, and the △ on south-east extreme of Broershock Point S. 80° W. (true), distant 3·8 miles.

The coast-line here is bordered by a thick belt of mangrove swamp, a mud flat drying off it for a considerable distance, the mud being so soft that it is impossible to stand on it without sinking.

The beacon is erected at the exact position where 4° 10′ cut the outer edge of the thick belt of high mangrove.

In the event of the beacon falling into disrepair and rotting, the position may readily be picked up either from the sketch or by identifying the observation spot; but the coast-line is so absolutely featureless that it is impossible to describe the spot with sufficient accuracy to insure picking it up by any description that can be given of it.

Beacon on Parallel of 4° 10′ N. on Mainland.

The Dutch surveying-vessel "Banda" erected a beacon in latitude 4° 10′ N. and longitude 117° 37′ 51″ E., 0·203 miles N. 2° 30′ W. (true) from south-east extreme of Broershock Point.

A sketch was made from the beacon and angles obtained in order to permanently fix its position. It is a similar beacon to that erected by the "Rattler" on the opposite side of the river, and it is also on the outer edge of a large mangrove swamp.

Observation spot on east coast Sebattik is in latitude 4° 08′ 08·2″ N., and longitude 117° 55′ 49″ E., and may be identified on a sandy beach just to the northward of a number of casuarina trees, which grow somewhat conspicuously on the rounded point which here begins to project. At low water the sand and mud-flats stretch off to a great distance from the shore, but off this point the sand predominates, and renders walking on it practicable, which is not the case further northward, where it is all soft mud.

Just behind the observation spot a small stream runs down to the beach, and from the observation spot the following true bearings were taken:—

→ point to northward, N. 31° 30′ W.
Mount Kookosan, N. 18° 27′ W.
Right summit, Mount Putri, N. 20° 03′ E.

Beacon on Parallel of 4° 10′ N. on East Coast of Sebattik Island.

Erected by Her Majesty's ship "Egeria" in longitude 117° 54′ 37·0″ E. on the outer edge of the extensive mangrove swamp which here borders the coast. It is 310 yards to the northward of the mangrove point which shows as the tangent to the northward from the observation spot, from which it bears N. 31° 30′ W. distant 2·067 miles.

A sketch was made from this spot and angles obtained at it. Mount Kuekoum bears N. 13° 45′ W. and right summit Mount Putri N. 45° 15′ E. (true).

The beacon is a tripod of heavy spars, the heads of which are held together by chain and by spike nails, and large baulks of timber are nailed horizontally round the beacon, the whole being painted white, and the heels firmly driven into the mud.

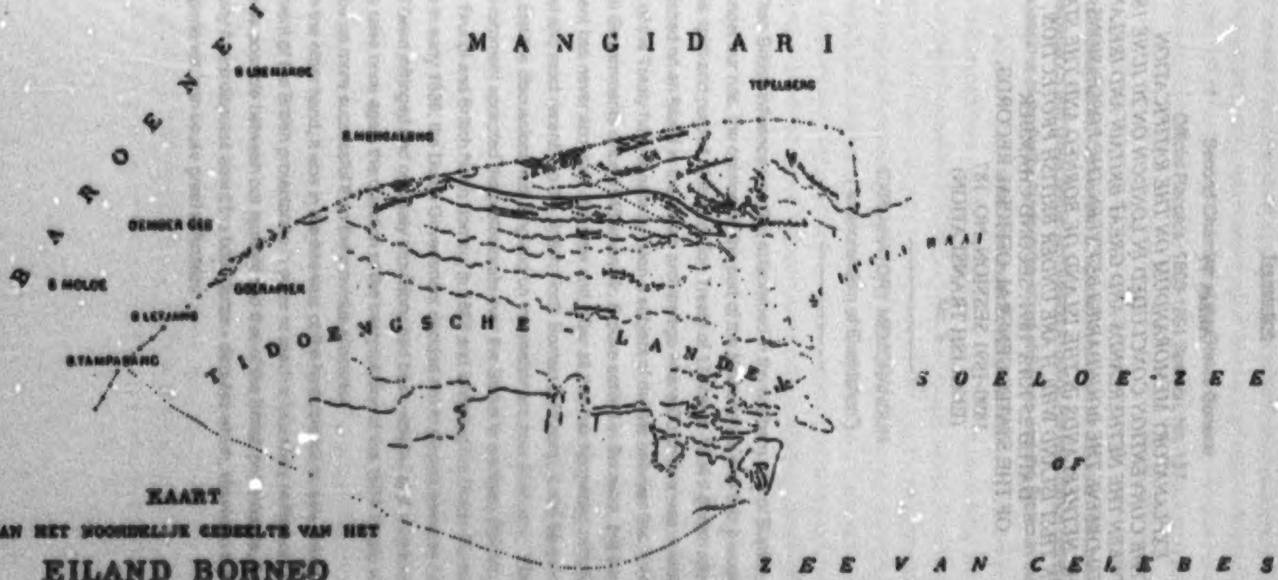
All the above bearings are true.

(Signed) A. MOSTYN FIELD, *Commander.*

"Egeria," July 1, 1891.

Inclosure 4 in No. 103.

Plan showing the Result of the Determination of Position of Parallel 4° 10′ N. on the East Coast of Borneo, and of Examination of Rivers in the Vicinity: June 1891.


MANGIDARI
TEPELBERG
BAROENEI
S. LOEMAROE
S. MENGALENG
DEMOEA GEB
S. MOLOE
OEKRAPIER
S. LETJANG
S. TAMPASANG
TIDOENGSCHE LANDEN
BAAI
SOELOE-ZEE
OF
ZEE VAN CELEBES

KAART

VAN HET NOORDELIJK GEDEELTE VAN HET

EILAND BORNEO

(benoorden 1° N.B.)

Annex 77

EXPLANATORY MEMORANDUM ON THE RATIFICATION OF THE CONVENTION CONCLUDED IN LONDON ON 20 JUNE 1891 BETWEEN THE NETHERLANDS AND GREAT BRITAIN AND IRELAND TO DEFINE THE BOUNDARIES BETWEEN THE POSSESSIONS OF THE NETHERLANDS IN THE ISLAND OF BORNEO AND THE STATES IN THAT ISLAND WHICH ARE UNDER BRITISH PROTECTION,
DATED 25 JULY 1891, SECOND CHAMBER
OF THE STATES GENERAL OFFICIAL RECORDS,
1890-1891 SESSION, NO. 187
(ENGLISH TRANSLATION)

Translation

Second Chamber of the States General

Official Records, 1890-1891 Session, No. 187

Ratification of the Convention concluded in London on 20 June 1891 between the Netherlands and Great Britain and Ireland to define the boundaries between the possessions of the Netherlands in the island of Borneo and the States in that island which are under British protection.

No. 3

EXPLANATORY MEMORANDUM

("Memorandum of Elucidation")

When British influence was first established in the northern part of Borneo, which was not under our rule, the opinion on the part of the Netherlands was that it would be against the spirit and purport of the London Treaty of 17 March 1824 if British rule were to be established on an island in the Indian archipelago where Dutch rule was established. This view of the Treaty has repeatedly been a subject of debate between the Netherlands and British Governments since 1845 when Mr. Brooke settled in Sarawak, but the British Government has never accepted this view and, after all that has happened both to Sarawak and Brunei and most recently to the British North Borneo Company, it can be safely assumed that the discussions with England on this matter are now at an end. When the British Government accepted the protectorate over the States in northern Borneo, namely Sarawak, Brunei and British North Borneo, in 1888 and informed the Dutch Government about this in early 1889, the Dutch Government decided not to protest because no Dutch rights had been infringed and no treaty provisions had been violated and, moreover, any attempt to raise once again the question of the interpretation of the 1824 Treaty would naturally be no more successful than the previous attempts.

On the other hand, it was in the interests of the Netherlands to take advantage of the establishment of the British protectorate in order to reach a boundary settlement in Borneo as quickly as possible between our territory and that of the British protectorate, thereby avoiding any future disputes about the boundaries - disputes which, viewed in the light of recent experience, can cause great difficulties.

If a settlement could be reached about the boundaries on Borneo, this would also end the dispute that has been going on for some years about the boundary on the eastern coast of Borneo between our territory and that of the British North Borneo Company.

As regards this dispute, it should be remembered that the Sultans of Sulu and Brunei ceded a very extensive region comprising the northern part of Borneo to Messrs. Overbeek and Dent in December 1877 and January 1878 in consideration of a fixed annual rent. The southern boundary of the ceded region on the eastern coast of Borneo was stated to be the Sibukoo River. The gentlemen in question subsequently transferred their rights to the British North Borneo Company, which was incorporated by Charter granted by the British Government on 1 November 1881. As a result of this Charter the Company came in some respects under government control and it was stipulated among other things that in the event of disputes with foreign powers the Company should defer to the decisions of the British Government.

As soon as the Netherlands East Indies Government learned in February 1878 that the concessions granted to Messrs. Van Overbeek and Dent extended to the Sibukoo River, it ordered an investigation to ascertain whether - as was immediately assumed - the northern boundary of our territory on the eastern coast of Borneo had been violated. Under the contract concluded with the Sultan of Bulungan this boundary was formed on the coast by the Batu Tinagat and, further inland, by the Tawao River.

When the investigation confirmed the correctness of the assumption, the Governor General ordered that the Dutch flag be hoisted ceremoniously on the Batu Tinagat and that an armed vessel should be stationed in St. Lucia Bay to protect it; at the same time, a coal depot and frontier post were established at the mouth of the Tawao River. One of the officials of the British North Borneo Company protested against these actions of the Dutch East Indies Government by letter of 4 July 1880 delivered to the commander of the Dutch warship Atjeh, which was then lying in Sandakan Bay.

Before the Charter referred to above was granted to the Company, the Dutch Government had informed the British Government that the territory ceded by the Sultans of Sulu and Brunei included a part of the Dutch territory. After the Charter was granted, the British Government replied that in order to be able to settle the boundary dispute the following stipulation had been included in the Charter.

"Art. 16. If at any time our Secretary of State thinks fit to object to the exercise by the Company of any authority or power within any part of the territories comprised in the several grants aforesaid, or otherwise acquired under this our Charter, on the ground of there being an adverse claim to that part, the Company shall defer to that objection".

The boundary dispute thus became automatically a matter for negotiation between the Netherlands and British Governments. Several diplomatic notes were exchanged, albeit without result. The British Government did not reply to our latest note of 13 March 1884.

This was the situation when the protectorate over the northern part of Borneo was accepted by the British Government and notice of this was given to the Netherlands Government.

As soon as it received this information, the Netherlands Government hastened to submit certain suggestions to the British Government in order to achieve a proper boundary settlement between the Dutch territory in Borneo and that of the British protectorate.

When the Netherlands Government realised after an exchange of views with the British Government that further correspondence about the boundary dispute on the eastern coast of Borneo would not lead to agreement, it proposed to the British Government that the matter of the boundary settlement in Borneo should be discussed in a committee of delegates of the two States.

This proposal was accepted and the discussions took place in London in July 1889. Neither party moved from its position. According to the Netherlands, the disputed area between the Tawao and Sibukoo Rivers belonged to the domain of Bulungan, which, by virtue of the contracts with its Sultans, formed part of the territory of the Netherlands East Indies, and the Sultan of Sulu could therefore not cede it to the British North Borneo Company. According to the British, however, the area in question was part of the Sultanate of Sulu and the cession to the Company, signed on 22 January 1878, predated the contract between the Sultan of Bulungan and the Netherlands East Indies Government on 2 June 1878, this being the first contract with the Sultan to be notified by the Netherlands Government to the British Government.[1]

As the discussions seemed unlikely to produce a result, the British delegates suggested that the boundary dispute on the eastern coast be settled by compromise.

This suggestion was approved in principle by the Netherlands as it seemed the only way of resolving this long-running dispute and at the same time of obtaining the boundary settlement which it desired across the whole width of Borneo from the eastern to the western coast.

The British delegates then submitted the following proposal on behalf of their Government:

1. that the boundary point on the eastern coast would be taken as Broershoek, situated at a latitude of approximately 4° 10' North and that the boundary from this point eastwards would run between the islands of Sibetik and East Nunukan. (It later transpired that it was intended that the boundary in the westerly direction would coincide with the parallel of 4° 10'), and

2. that navigation on all rivers in the disputed area located between the latitudes of 3° 20' and 4° 20' North would be declared free and that the vessels of the two Kingdoms and

---

[1] The first contract with Bulungan of 12 November 1850 was not notified to the British Government as, in the opinion of the Netherlands Government at that time, Article 3 of the London Treaty of 1824 did not require notice to be given of contracts intended to confirm rights that predated the treaty.

their crews and cargoes on these rivers would be accorded equal treatment in all respects and that no transit charges would be levied.

Before giving a definite answer to the British Government, the Governor-General of the Dutch East Indies was consulted about the boundary to be fixed and was instructed to secure the cooperation of the Sultan of Bulungan. In his reply the Governor-General stated that the Sultan was unconditionally prepared to abide by whatever arrangements were made by the Dutch and English Governments, but would be glad if the population of Bulungan were given the right to gather forest produce free of tax in the area between Broershoek and Batu Tinagat for a term of 15 years.

Inquiries made on the spot by the acting assistant resident of Kutai revealed that the Badjans, who live on the islands off the north-east coast of Borneo, which belong to the Sultanate of Sulu, still regularly gather forest produce in the disputed area without taking the least notice of the Sultan of Bulungan. In view of both this fact and the absence of any document concerning the delineation of the boundary between the Sultanates of Bulungan and Sulu, it was considered very difficult to determine the precise extent of the domain of Bulungan.

The negotiations conducted with the British Government following receipt of the reply from the East Indies have led to the convention which is now being submitted to the Legislature for ratification.

In keeping with the wishes of the Netherlands Government, the watershed between the rivers has for the most part been taken as the boundary, namely as regards Sarawak, Brunei and the part of British North Borneo that is most remote from the sea.

The following should be noted as regards the boundary through the disputed area on the eastern coast of Borneo.

In response to the British proposal that the boundary from the sea to the central mountain range should coincide with the parallel of latitude of 4° 10' North and that the island of Sibetik should belong wholly to British North Borneo, it was proposed by the Netherlands that the boundary should start at a latitude of 4° 10' at Broershoek on the eastern coast and run between the Simengaris and Sudang Rivers as far as the central mountain range. The British objected to this proposal because the Board of Directors of the British North Borneo Company took the view that the rivers that flow into the sea in the northern part of St. Lucia Bay rise far in the north and that the boundary proposed by us would therefore penetrate deeply into the territory of the Company.

Although the Netherlands Government had arranged for the course of the rivers that flow into St. Lucia Bay to be mapped[2] in 1883 and former years and was fairly certain that the Simengaris and Sudang Rivers, which had been found during the expeditions to be navigable only for a short distance, flow into the sea in a south-easterly direction and rise not far from their mouths, it was unable to provide irrefutable proof owing to the total ignorance of the interior of Borneo and its inaccessibility at that place.

---

[2] Compare the chart of the "Eastern coast of Borneo from Batu Tinagat to Tarakan" issued by the Hydrographical Bureau in Batavia in 1883, a copy of which has been deposited for inspection by the members at the Registry of this Chamber.

It recognised, however, that because of the shortness of the rivers it would be desirable to describe in more detail the line of the boundary to the point where it reaches the central mountain range.

It therefore proposed that the boundary should be a straight line running in north-westerly direction. If the opinion of the Government about the short course of the river should prove to be correct, this boundary would then provide sufficient certainty that the Simengaris River would be situated in Dutch territory.

This proposal was accepted and incorporated in the convention. Indeed, a provision was even added that if the Simengaris or any other river which flows into the sea south of latitude 4° 10' North were found, after mapping, to cross the stipulated boundary by a distance of less than 5 geographical miles, the line would be amended in such a way that such small parts or bends of the rivers would be enclosed in Dutch territory.

As regards the island of Sibetik, the British Government was prepared, after the refusal of the Netherlands to allow this island to belong solely to British North Borneo, to recognise the whole island as Dutch territory, provided that the northern part was perpetually leased to the British North Borneo Company in consideration of a nominal rent and that the Netherlands Government would guarantee that the Company could have the peaceful enjoyment of it. If this proposal had been accepted, the Netherlands would have been the nominal owner of the northern part of the island, but this ownership would have given it nothing but trouble and unpleasantness and would have conferred no benefits whatever.

The Netherlands Government therefore preferred the notion of splitting the totally uninhabited island in two by taking the parallel of 4° 10' as the boundary between the two parts; as a result of this partition the Netherlands and the British North Borneo Company will each possess that part of the island which constitutes the shore of the navigation channel along which they must reach the coastal areas allocated to them; this is fair and rational.

The result of the negotiations on the boundary through the disputed area on the eastern coast is that on the basis of the starting point, as proposed by the British Government, at a latitude of 4° 10' North at Broershoek on the coast the boundary is much favourable than what had been desired by the British. This can be seen from the map attached to this memorandum, which shows: (1) the boundary starting at Batu Tinagat on the eastern coast as accepted by the Dutch Government; (2) the boundary accepted by both the British Government and the British North Borneo Company; (3) the boundary proposed by the British Government as a compromise; and (4) the boundary delineated in the convention.

Although comparison of these different boundary lines may give the impression that the Netherlands has given up part of its territory, it should not be forgotten that before a dispute about the boundary arose the Netherlands Government had never paid much attention to its territory on the eastern coast of Borneo, which was unknown to it and also completely uninhabited, that the rights of the Sultan of Bulungan to the disputed area are not totally unchallengeable and, finally, that instead of a highly uncertain boundary through a stretch of unknown and inaccessible country a very accurately delineated boundary has now been accepted which obviates all difficulties in the future not only concerning the part of Borneo to which the boundary dispute related but also concerning the whole island.

Article 6 of the convention contains the provision concerning freedom of navigation which would, according to the British proposal, have extended to all rivers located between latitudes 3° 20' and 4° 20' North, but which, in keeping with the wishes of the Netherlands Government, has now been limited to the rivers that flow into the sea in the disputed coastal area.

Article 7 contains the provision regarding the gathering of forest produce, as desired by the indigenous administration of Bulungan.

The Minister for Foreign Affairs,
HARTSEN
The Minister for Colonies,
MACKAY

Annex 78

LETTER FROM E. MACGREGOR, ADMIRALTY, TO THE FOREIGN OFFICE DATED 24 SEPTEMBER 1891, ENCLOSING LETTER FROM LIEUTENANT-COMMANDER J. HEUGH TO VICE-ADMIRAL SIR W. RICHARDS DATED 23 JUNE 1891 AND LETTER FROM COMMANDER A. MOSTYN FIELD TO THE ADMIRALTY DATED 30 JUNE 1891

No. 103.

Admiralty to Foreign Office.—(Received September 26.)

Sir, *Admiralty, September 24, 1891.*

WITH reference to my letter of the 26th March last, and to former correspondence, in regard to an examination being made of the estuary of the rivers Simengaris and Soldan for the purpose of determining the boundary of the Dutch and British possessions in Borneo, I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of the Secretary of State, copy of a letter from the officer commanding Her Majesty's ship "Rattler" giving the result of his proceedings in connection with this service.

I am also to transmit copy of a letter addressed [illegible] the Commander of Her Majesty's ship "Egeria" to the hydrographer, together with a tracing which has been drawn up in this Department, to illustrate the combined work of these two vessels.

I am to add that the preliminary survey of these rivers by Dutch officers practically agrees with that forwarded by Her Majesty's ship "Rattler."

I am, &c.
(Signed) EVAN MACGREGOR.

Inclosure 1 in No. 103.

Lieutenant-Commander Hough to Vice-Admiral Sir W. Richards.

Sir, *"Rattler," at Sandakan, June 23, 1891.*

I HAVE the honour to forward herewith the survey and sketches of the Rivers Simengaris and Sino Soldan and their approaches.

2. On Thursday, 4th instant, I shifted berth inside the mouth of the River Simengaris, and triangulated about 5 miles up the river, and made a running survey of the remainder.

3. On the arrival of the "Banda" on the morning of the 12th instant, I gave her Captain our work, which he accepted and plotted, and agreed with our results.

4. With great difficulty I managed to get an observation spot. I connected it with "Egeria" observation spot by triangulation, and could only obtain sights for longitude, which agreed within 2" of arc with our work.

5. In connection with Captain van Oijen we surveyed the River Simengaris as far as it was practicable, and erected a beacon (sketch and position inclosed) to mark where the Simengaris crosses the parallel of 4° 10′. As will be seen by the survey, the river from that spot remains to the northward of 4° 10′. It is utterly impossible to land anywhere from the source of the river to the mouth, there is nothing but soft mud and mangrove swamp, with innumerable small and narrow creeks.

6. Only one native boat was seen, and it fled at our approach; the natives were evidently fishing. Another boat was seen and communicated with at the mouth of the Sinelek; the natives were very poor and miserable; they were searching for forest products, which I discovered consist of the bark of a tree growing in the swamps, and from which a kind of red dye or paint is manufactured, and the sap of another tree, which they rudely manufacture into a kind of india-rubber.

Whilst at the River Sino Soldan we interviewed another native, who was fishing, and who informed us he had come from the island, and that the whole of the east coast was one large delta, and by means of creeks he could fetch to the Kalabakan River. He also informed us of the names of the branches we were in, and they agreed with the names previously given on the Dutch Charts.

7. On Monday, 15th instant, the "Banda" and "Rattler" proceeded for the Soldan River. We anchored between the rivers marked Sublan and Sino Soldan, and, having triangulated to the mouth of the latter, proceeded to survey that river.

8. I communicated by boat with Tawao, a small settlement about 6 miles to the westward of Batu Tinagat. There are a few Malays and a Dutch Government schooner there, but no officials. It was with the greatest difficulty a few fowls and some fruit were procured.

9. During our stay we have not seen a single alligator, notwithstanding the reports that the rivers abound with them; we have, however, been very successful in

killing wild pig, and it certainly was a pleasant change in the ship's food, as nothing whatever in the shape of provisions or fruit is obtainable.

It is very curious the manner in which the pigs swim from one island to another. One day alone we shot eight, and they were excellent eating; they averaged, when cleaned, about 10 lbs. to 50 lbs. in weight.

Any number of sharks have been seen.

10. I have inclosed all my work* and a tracing from Captain van Oijen, of the "Banda," and it will be seen, by comparing our relative surveys, that no discrepancies exist. The positions and descriptions of the beacon marking the parallel of 4° 10' are also shown. I have been most ably assisted in all this work by Sub-Lieutenant Henry W. Grant, who has shown great zeal and aptitude as a surveyor.

11. I must add that the greatest cordiality and friendship has existed between the Dutch and ourselves.

12. The original Report and inclosures have been forwarded through Commander Field to the hydrographer.

13. On afternoon of the 19th instant I communicated with Her Majesty's ship "Egeria," off Sigitan Reef, and anchored for the night; I proceeded the following day for Sandakan, where I arrived at 8·20 A.M. on the 22nd instant. I took in 15 tons of coal to last me to Labuan, and intend leaving here to-morrow, 24th instant, for Labuan and Singapore.

I have, &c.
(Signed) J. G. HEUGH.

Inclosure 2 in No. 103.

Commander Field to Admiralty.

"Egeria," at Sandakan, June 30, 1891.

Sir,

I HAVE the honour to forward herewith the accompanying documents connected with the determination of the exact position of the parallel of 4° 10' north on the mainland of Borneo, and on east and west coasts of Sebattik Island, observations for which were carried out, in conjunction with Dutch officers, between the 1st and 11th June, 1891, in accordance with your directions, beacons being erected to mark the spots.

2. Her Majesty's ship "Rattler" having been placed under my orders by the Commander-in-chief for the purpose of examining the Rivers Semingaris and Sebiang, I beg to forward Lieutenant-Commander Heugh's originals, tracings having been sent by him direct to the Commander-in-chief.

3. As the "Rattler" arrived at Broershoek on the 1st June, I found there was ample time for her to connect the observation spot with the entrances of the rivers by a regular triangulation, which I accordingly directed Lieutenant-Commander Heugh to undertake, and which, together with the work of mapping the courses of the rivers, he appears to have carried out very creditably, and with great exactness.

4. Meridian distances were obtained to both observation spots, and therefore they are now connected astronomically with the Darvel Bay work.

5. Sketches have been obtained from all these beacons, and every care taken to make the beacons as permanent as possible.

6. The Netherlands Government sent the surveying vessel "Banda" to meet us, bringing an officer specially appointed for the purpose of observing with the Alt. Azimuth.

7. I trust that the agreement of our results will be considered sufficiently close.

I have, &c.
(Signed) A. MOSTYN FIELD.

---

* Captain van Oijen's tracing has been sent to Commander Field with my original work.—J. G. H.

Annex 79

DESPATCH FROM LORD SALISBURY TO SIR H. RUMBOLD DATED 27 OCTOBER 1891

No. 106.

The Marquis of Salisbury to Sir H. Rumbold.

(No. 94.)

Sir, *Foreign Office, October 27, 1891.*

WITH reference to your despatch No. 40 of the 3rd April last, I transmit to you herewith copy of a letter from the Admiralty,* inclosing the Reports of the naval officers who were employed upon the survey of the coast of North Borneo. You are aware that the object of this survey was to determine the exact position of the parallel 4° 10′ north latitude on the east coast of Borneo with a view of defining the boundary between the British North Borneo Company's territory and the possessions of the Netherlands Government, and at the same time to examine the estuaries of the Rivers Simengaris and Soldan.

You will express to the Netherlands Government the satisfaction which is felt by Her Majesty's Government at the successful accomplishment of this work, and more especially at the complete harmony which has existed between the naval officers of the two countries when carrying out the instructions which they received from their Governments; and in communicating a copy of the inclosed papers, which include a tracing of the British surveys, you will request the Minister for Foreign Affairs to be good enough either to signify the acceptance by his Government of the results arrived at, or to furnish you with copies of the Reports which have doubtless been addressed to them by their officers, and which, it appears, practically coincide in their conclusions with those that are sent herewith.

I am, &c.

(Signed) SALISBURY.

Annex 80

LETTER FROM SIR G. BONHAM TO LORD SALISBURY DATED 4 DECEMBER 1891, ENCLOSING LETTER FROM E. VAN TIENHOVEN TO SIR H. RUMBOLD DATED 1 DECEMBER 1891, TRANSLATION OF LETTER FROM VICE-ADMIRAL RÖELL TO THE GOVERNOR-GENERAL OF NETHERLANDS INDIA DATED 27 JULY 1891 AND REPORT OF DUTCH SURVEYING-VESSEL *BANDA* OF 30 MAY AND 11 JULY 1891

Sir G. Bonham to the Marquis of Salisbury.—(Received December 8.)

(No. 108.)
The Hague, December 6, 1891.

My Lord,

WITH reference to Sir Horace Rumbold's despatch No. 156 of the 4th ultimo, inclosing a copy of a note which, by your Lordship's instructions, he had addressed to the Netherlands Government on the subject of the recent surveys carried out by naval officers of the two countries, of a portion of the east coast of Borneo with a view to determining the exact position of the parallel 4° 10' north latitude in order to define the boundary between the British North Borneo Company's territory and the possessions of the Netherlands Government, I have the honour to inclose herewith the copy of a note which I have received from the Netherlands Minister for Foreign Affairs, in reply, forwarding a copy of a letter from the officer commanding the naval forces in the Dutch East Indies, together with the Report and plans drawn up by the Dutch naval officers employed on the survey.

It is stated that the Report agrees in all essential points with that drawn up by the English officers, and that the Netherlands Government has no objection to accept the conclusions which have been arrived at.

In conclusion, his Excellency calls attention to the passage in Vice-Admiral Röell's Report, in which he alludes with satisfaction to the cordial relations between the naval officers of the two countries during the time they were engaged in carrying out the surveys.

I have, &c.
(Signed) G. F. BONHAM.

Inclosure 1 in No. 114.

M. van Tienhoven to Sir H. Rumbold.

Ministère des Affaires Étrangères, La Haye,
le 1er Décembre, 1891.

M. le Ministre,

EN me référant à votre office du 2 Novembre dernier, j'ai l'honneur de vous faire parvenir ci-après copie d'une lettre du Commandant des Forces Navales et Chef du Département de la Marine aux Indes Néerlandaises en date du 27 Juillet, accompagnant le Rapport avec ses annexes dressé par les officiers de la Marine Royale Néerlandaise qui ont été chargés de faire, conjointement avec des officiers de la Marine de Sa Majesté Britannique, des investigations dans le but de déterminer le point exact où le parallèle 4° 10' latitude septentrionale traverse la côte orientale de l'Ile de Bornéo et de relever en même temps pour autant que possible le cours des Rivières Simengaris et Soedang en vue de la délimitation des frontières entre les possessions Néerlandaises et les territoires se trouvant sous le Protectorat Britannique sur l'Ile susdite.

Le Gouvernement des Pays-Bas, d'ailleurs, constate avec satisfaction qu'ainsi que vous avez bien voulu le faire pressentir ce Rapport est sur tous les points essentiels conforme à ceux qui ont été dressés par les officiers de la Marine Anglaise et dont vous m'avez donné communication par votre office privé. Aussi, mon Gouvernement n'a-t-il aucune objection à accepter les résultats obtenus.

En me permettant, M. le Ministre, d'avoir recours à votre obligeant intermédiaire à l'effet de porter ce qui précède à la connaissance de votre Gouvernement, je ne saurais terminer cette lettre sans appeler tout spécialement votre attention sur le passage de la lettre du Contre-Amiral Röell, à Batavia, où celui-ci se fait un devoir de louer la bonne et cordiale entente qui a existé pendant toute la durée de cette expédition entre les officiers de Marine des deux nations et qui contribuera certes à leur faire conserver de part et d'autre les meilleurs souvenirs de leur séjour dans la Baie de Ste. Lucie.

Veuillez, &c.
(Signé) E. VAN TIENHOVEN.

Inclosure 2 in No. 114.

Vice-Admiral Röell to the Governor-General of Netherlands India.

(Translation.) *Batavia, July 27, 1891.*

I HAVE the honour to present to your Excellency herewith a copy of the Report of Her Majesty's surveying-vessel "Banda" respecting the work performed on the north-east coast of Borneo in compliance with the orders contained in your Excellency's Decree, dated the 5th May last.

Your Excellency will learn from this Report that the intersections of the parallel of 4° 10′ north latitude with the coast of Borneo, north of Broershoek, and with the west and east coast of the Island of Sibetik, have been accurately determined, and that buoys of large size have been placed.

The examination of the rivers has shown that the Simengaris River is intersected by the parallel of 4° 10′, at which point a buoy has also been placed, that the part of the river, however, north of the parallel, is not of much importance for navigation, and soon changes to a narrow unnavigable creek, whilst the southern mouth of the Sino-Solan River, just to the west of Broershoek, is intersected by the parallel of 4° 10′, but that the whole river further up, as also Seedan River, lies to the north of it, as is distinctly shown in the accompanying surveys of the English and Netherlands officers.

In conclusion, I may be allowed, from the Report of the expedition, which contains no further particulars, to quote the following remarks as regards the good understanding with the English officers:—

"I have great pleasure in stating that the intercourse with the English naval officers was always of the most friendly character, and I do not doubt that the most agreeable souvenirs will remain on both sides of the time passed by them in the Bay of St. Lucia."

(Signed) RÖELL, *Vice-Admiral, Adjutant on Extraordinary Service of Her Majesty the Queen, Commandant of the Naval Forces, and Head of the Naval Department in Netherlands India.*

Inclosure 3 in No. 114.

Report of Dutch Surveying-vessel "Banda" of May 30 and July 11, 1891.

(Translation.)

SAILING from Soerabaia on the 20th May, we anchored in St. Lucia Bay at 10 o'clock in the morning of the 1st June south of Broershoek, which position the English gun-boat "Rattler" (Lieutenant-Commander J. G. Hough) had reached on the evening before, and soon after us, viz., two hours, the English surveying-vessel "Egeria" (Commander A. Mostyn Field) also arrived.

After making ourselves known to each other, our work commenced immediately; we proposed to try to find a good place for observation, near the north point of

O. Noenoekan, where, on a former occasion, Lieutenant W. F. Blaauw took observations, met the approval of Commander Field (although at first he seemed to have intended to make a clearing in a part of the ground higher up, which his men had been at work on for a few days), so that at last he preferred the spot we had selected for our observations on the shore. The difference in latitude was very trifling, the distance from one point to the other being about 200 metres; by mutual agreement the average of the observations was adopted as the latitude of the observatory, in round numbers (4° 8' 40"). It so happened this average corresponded fairly well with the second series of observations of Commander Field, and it was proposed to adopt it as the most trustworthy.

In the meantime, the buoys required were put in their places, and we determined on measuring a base by a measurement conducted at the same time on the main-mast of the "Egeria," as that vessel had the highest rigging, and was anchored at the spot most favourable for our object, and to ascertain by a small triangulation the exact intersection of the parallel 4° 10' with the east coast of Borneo and the west coast of Sibetik. After a consultation, we resolved that the "Banda" should place the temporary buoys, and the "Egeria" sailed on the 5th for the east coast of Sibetik to find a good place for observations there; after we had finished our task at high tide, and measured all the angles, we went on in the afternoon under steam, and arrived, after having anchored for the night off the south point of Sibetik, at 6 o'clock in the afternoon of the 6th where the "Egeria" was lying.

The "Rattler" had, meanwhile, to place buoys to the west of Noenoekan and at the mouth of the River Simengaris, in order, as far as possible, to triangulate this portion, and to ascertain the depth of water to some extent.

In the evening of the 6th Lieutenant Posthumus Meyes attempted to make the necessary observations at the English observatory (east coast of Sibetik), but without success, as the ground was too marshy, and we determined, therefore, on the 7th, to look for another spot lying more to the north, and not so far, therefore, from the parallel of 4° 10'. The journey was very difficult, as we had to pass over a broad stretch of muddy shore, where we could advance only slowly. We found, however, at last a very suitable site for an observatory on a sandy spot near the mouth of a creek, where valuable observations were made in the evening of the 8th.

On the 9th, a base was, therefore, measured of 400 metres long in a direction about north-east, and with the help of two buoys a triangulation was effected to the north and a connection made with the buoys of the "Egeria." The final result was most satisfactory, as the difference amounted to only ± 20 metres, and so a beginning could be made with placing a boundary buoy, which had here to be done by the "Egeria."

When all the data had been worked out and the results compared with each other, the said vessel sailed at 10 o'clock on the morning of the 11th to the eastward for its observatory in Darvel Bay, whilst we went to the west and at 6·30 o'clock in the morning anchored on the east of W. Noenoekan; on the following morning, steaming up the Simengaris River, we anchored at 8 o'clock near the "Rattler." Having received the angular measurements we made up all the calculations and the difference amounted to only 2 degrees, a difference not worth mentioning; meanwhile our steam-launch was got in readiness for a two days' expedition up the river. Lieutenant Hough and one of his officers (Lieutenant Grant) made the expedition with us (Lieutenant de Haan and myself) on the 11th, directing our course by the compass, and reckoning the distance by taking measurements, we found the intersection of the left bank with the parallel of 4° 10' at almost the same point, and hoisted a bamboo with a white flag on a tree conveniently placed and leaning somewhat forward, as well as a bamboo screen painted red, white, and blue. The course higher up afforded nothing of special interest, a small prauw, which was fishing in one of the creeks, took flight at our approach, and we did not see it afterwards.

Returning from this expedition in good time, we fixed the position of Pet Island, a remarkable and very steep rock in the middle of the river, the bed of which is, as it were, an immense oyster bank dry at low water. We may here mention as a remarkable circumstance that on various occasions we shot wild pigs, which towards sunset and once, too, in the afternoon, swam across the river and then could easily be killed; the meat was tolerably good.

At 7 o'clock in the morning of Monday the 15th June we started under steam, followed by the "Rattler," and at 11 o'clock anchored to the east of the mouths of the Saodan and Sino-Solau Rivers; a buoy was immediately placed at the entrance of the river last mentioned, and the necessary angles were measured on the day after.

he expedition up the said rivers could therefore be made on the 17th, in which we ere again accompanied by the same English officers. It was a great surprise, when, ollowing a southerly branch, we came out near Broersbeek; after a consultation we esolved not to place any more buoys, as in going up other branches of the river it as very likely that new connecting channels, in this widely spread delta, would be ound, and it would therefore be a long operation to carefully examine every part, hich also, in our opinion, was not required. Suffice it to say that the south mouth f the Sino-Solan River just to the west of Broersbeek intersects the parallel of 4° 10', ut that further up all the river runs to the northward.

On our way we met a rather large prauw, and the people on board were fishing. he Nachoda told us that he lived at Sibockoe on the river, and intended to go on to e Kalabakan River. We learnt from him also that the river we were in was calle e Sino-Solan, and the branch running to the north, before which we were lying, was e Soloeloeng; it is fairly deep there and full of fish.

On our return to the vessels at 11 o'clock we resolved to rest for an hour, and eanwhile to take in a supply of water on the steam-launch. We then, at 12 o'clock, iled up the Seelan, until we, at a quarter past 4 o'clock, got up between the hills, here the river was only ± 20 metres broad, and there was just room enough for the eam-launch to turn in about 2 metres deep (at high water). Considering that we d now executed our commission, we returned on board, and on the following day ent through our calculations, in which again results almost identical were arrived at. eanwhile, large buoys were constructed, the east buoy for the west coast of Sibetik the "Rattler," and the west buoy, just to the north of Broersbeek, by the landa."

When all the data had been changed, the "Rattler" left at 10·30 o'clock in the rning of the 19th to try to reach the "Egeria" on the evening of the same day. e "Banda" started an hour later for Tawao to take in a supply of coal. As, wever, there was not enough in store, and the coal was of very bad quality, we led at 5 o'clock in the afternoon of the 20th for the former anchorage near the oy on the east coast of Sibetik, where, on the following morning, another bamboo, h a flag and two bamboo screens, were placed. An exploration on land with the cessary angles was made, after which we went on under steam at 8·30 o'clock and ered upon our return voyage.

(Signed) VAN OYEN, *Commanding Officer.*

Annex 81

DESPATCH FROM SIR H. RUMBOLD TO LORD SALISBURY DATED 26 JANUARY 1892

No. 7.

Sir H. Rumbold to the Marquis of Salisbury.—(Received January 29.)

(No. 9.)

My Lord,

The Hague, January 28, 1892.

WITH reference to my despatch No. 150 of the 14th October last on the subject of the North Borneo boundary, I have the honour to transmit herewith to your Lordship two copies of a Map,* which has lately been published in the official journal, showing the boundary-line as agreed upon under the late Convention, together with the boundaries which had been previously proposed.

This Map forms part of a Report presented to the Second Chamber of the States-General by a Committee appointed to examine the Agreement concluded last year by the Governments of Great Britain and the Netherlands.

The Map seems to be the only interesting feature of a document which does not otherwise call for special comment.

I have, &c.

(Signed) HORACE RUMBOLD.

Annex 82

DESPATCH FROM SIR H. RUMBOLD TO LORD SALISBURY DATED 23 FEBRUARY 1892

6

ntial.

The Hague
February 23. 1893

My Lord,

The Second Chamber of the States General will resume their sittings on or about the 1st proximo.

One of the first things to be brought before them is the approval of the Borneo Boundary Convention which has been delayed by the objections which the Committee of the House charged to

Marquis of Salisbury KG

2 1028 m.

Charged to report upon it thought it necessary to offer to it in an ill-inspired spirit of Chauvinism.

The Government, in once more presenting the Convention for ~~a~~ approval, make short work of the strictures of the Committee. They point out in their reply (*Memorie van Antwoord*) the advantages of the arrangement come to as settling

for

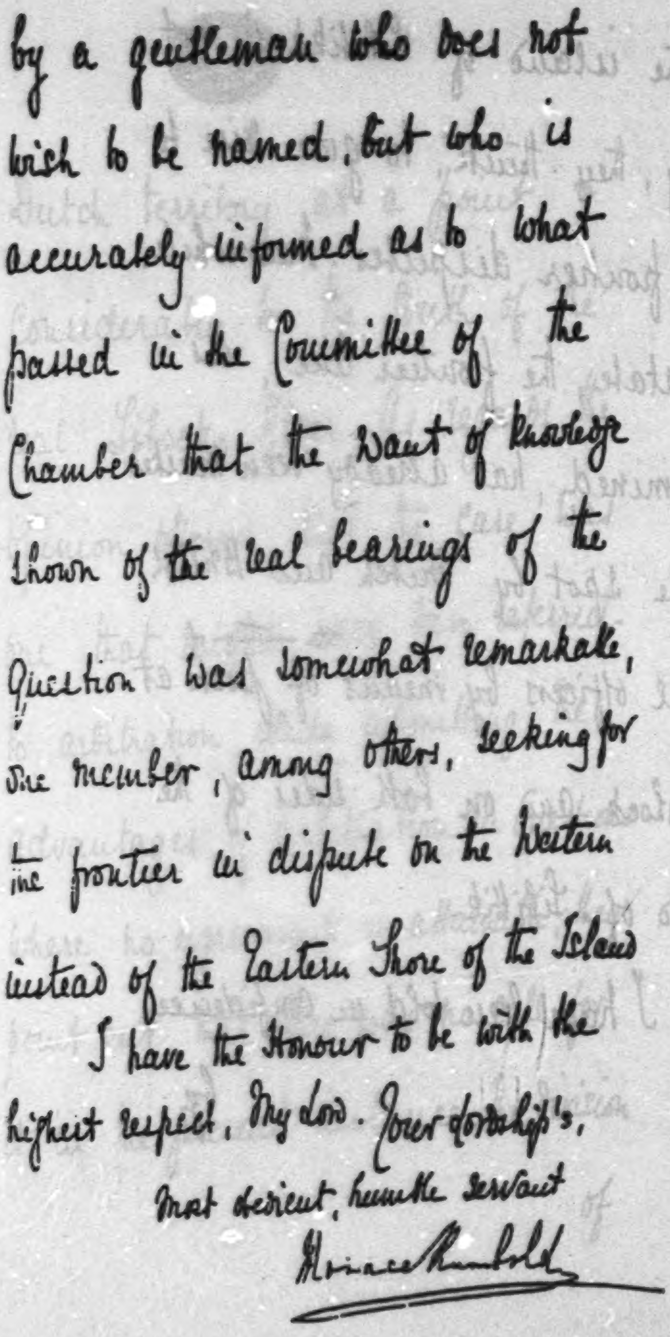
for good and all the entire question of the boundaries between Dutch and British protected territory in Borneo, everything situated to the South of the line of demarcation agreed upon being now expressly recognised as "the Netherlands possessions in the "island of Borneo".

In reply to certain criticisms of the Committee they observe that in the course of the negotiations they had no no occasion to dwell specially on the rights of Holland over the whole of Borneo, for the simple reason that those rights had never extended so far. The question in dispute, they explain, simply arose on the claim of this Country that its rights on the Eastern coast extended up to Batoe Tinagat, while the British & Government relied on certain Dutch maps which placed the limits of

Dutch

Dutch territory at a point & considerably to the South of the real Sibocko River. As regards the opinion offered that the case was one that might have been referred to arbitration, while admitting the advantages of arbitration in questions where no agreement is attainable, they point out that there was no call for it in the present instance. The division of of the island of Sibitikk is not likely, they think, to give rise to any frontier disputes. Meanwhile, as they state, the frontier line, as determined, has already been marked on the spot by Dutch and British naval officers by means of the erection of posts at Broersloek and on both sides of the Island of Sibittik.

I have been told in confidence by



by a gentleman who does not
wish to be named, but who is
accurately informed as to what
passed in the Committee of the
Chamber that the want of knowledge
shown of the real bearings of the
Question was somewhat remarkable,
one member, among others, seeking for
the frontier in dispute on the Western
instead of the Eastern Shore of the Island

I have the Honour to be with the
highest respect, My Lord, Your Lordship's,
Most obedient, humble servant
Horace Rumbold

Annex 83

DESPATCH FROM SIR H. RUMBOLD TO LORD SALISBURY DATED 9 MARCH 1892

No. 22.

Sir H. Rumbold to the Marquis of Salisbury.—(Received March 10.)

(No. 23.)

My Lord, *The Hague, March 9, 1892.*

THE Second Chamber adopted the Borneo Boundary Convention yesterday unanimously, and, without even putting it to the vote, none of the opposition, which, as reported in my despatch No. 16, Confidential, of the 23rd ultimo, was shown in the Committee of the House charged to report on the Convention, finding expression on this occasion.

M. de Beaufort, a leading Moderate Liberal Deputy for Amsterdam, who was the only Member who spoke on the subject at any length, dwelt very strongly on the advantages which must accrue from the final settlement of what might have become a troublesome question. In the course of his remarks, he paid a graceful tribute to the part taken in the arrangement by the Netherlands Envoy in London.

In reply to a question put by M. Veegens, the Minister for Foreign Affairs stated that it was part of the understanding come to that the smaller bays, but not the larger, which might by survey be found to be formed by the Simengaris or any other river to the south of the boundary-line, within 5 geographical miles from that line, would be included in Dutch territory.

In a general review he made of the negotiations, his Excellency observed that the Netherlands had not given up any indisputable ("vaststaande") rights in Borneo. There was a good deal to be said for the contention, that the Treaty of 1824 did not aim at excluding British influence for ever from the north of the island. The controversy on this point was, to all intents and purposes, concluded when England declared in 1845 that she maintained her right to establish herself in Borneo, and to support those who should establish themselves there.

The point was really decided by the cession of Labuan and the settlement of Rajah Brooke at Sarawak, and it was thereby practically determined that the Treaty of 1824 did not apply to Borneo. The matter was, therefore, clearly one that called for a compromise, and the results obtained were favourable for this country, the position of the Netherlands in Borneo towards England being now definitively regulated. This appeared all the more satisfactory, when it was borne in mind that none of the boundaries between the Dutch possessions and those of the native Princes were clearly defined before, disputes constantly arising on the subject.

In this connection the Minister of the Colonies, who spoke afterwards, stated, as regarded the point which was specially at issue between the two Governments, that although it was true that the Amiril of Boelangan had declared in 1840 that Batoe Tinagat belonged to Boelangan—the Dutch claims being founded on this assertion—it none the less appeared that the Prince of Boelangan and the grandees of that Principality did not deny at the beginning of last year that the pretensions of Boelangan to Batoe Tinagat could not be proved, and were in effect altogether vague ("in de lucht hangen"). In fact, it afterwards appeared from notes kept by the native in charge of the post of Batoe Tinagat, that no less than thirty-one prauws from the territory of Soeloe had visited that place between the 21st October and the 23rd November, with the object of collecting jungle produce, so little notice was taken there of the Prince of Boelangan. Further, the Minister stated that the Prince and grandees of Boelangan had entirely approved of Broershoek being taken as the point of departure for the boundary.

I propose having a full translation prepared of the proceedings of the Second Chamber on this occasion, which I shall have the honour to forward to your Lordship by next messenger.

I have, &c.

(Signed) HORACE RUMBOLD.

Annex 84

DESPATCH FROM SIR H. RUMBOLD TO LORD SALISBURY DATED 18 MARCH 1892, ENCLOSING FULL TRANSLATION OF THE DEBATE THAT TOOK PLACE IN THE SECOND CHAMBER OF THE STATES GENERAL ON 8 MARCH 1892 ENTITLED *RATIFICATION OF THE CONVENTION CONCLUDED IN LONDON ON THE 20TH JUNE 1891 BETWEEN THE NETHERLANDS AND GREAT BRITAIN AND IRELAND FOR FIXING THE BOUNDARIES BETWEEN THE NETHERLANDS POSSESSIONS IN THE ISLAND OF BORNEO AND THE STATES IN THAT ISLAND WHICH ARE UNDER THE PROTECTION OF GREAT BRITAIN*

The Hague
March 18 1892

My Lord,

I have the Honour to transmit, herewith, a full translation of the debate that took place in the Second Chamber of the States General on the 8th Instant when the North Borneo Boundary Convention was submitted to the approval of the House.

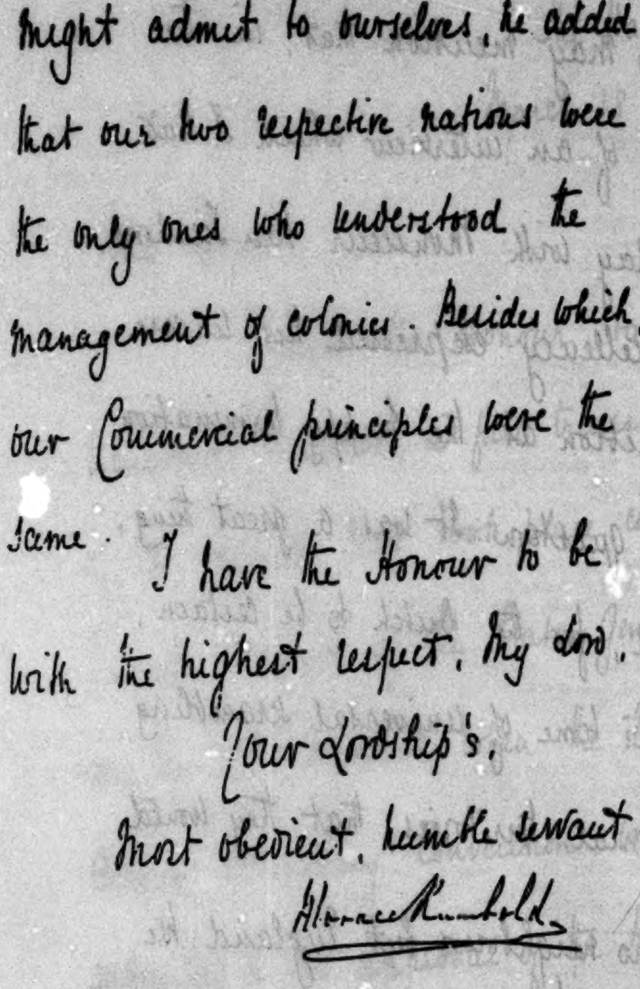
Marquis of Salisbury KG

& & &

2 1028 aa

I may mention that, in the course of an interview which I had yesterday with Monsieur Van Tienhoven, His Excellency expressed his sincere satisfaction at the happy termination of this question. It was a great thing, he said, for the Dutch to be certain, at this time of universal scrambling for Colonial territories, that they would have no neighbours but England. We

might



might admit to ourselves, he added, that our two respective nations were the only ones who understood the management of colonies. Besides which, our Commercial principles were the same.

I have the Honour to be with the highest respect, My Lord,

Your Lordship's,
Most obedient, humble servant
Horace Rumbold

Ratification of the Convention concluded in London on the 20th June 1891 between the Netherlands and Great Britain and Ireland for fixing the boundaries between the Netherlands possessions in the Island of Borneo and the States in that Island which are under the protection of Great Britain.

Debates in the Chamber.

M. De Beaufort (Amsterdam):

Mr. President. I am quite prepared to give my vote for the Convention with Great Britain, the Ratification of which is submitted to us in the present Bill. In a general way, I heartily rejoice that the Convention has been concluded, although I must unmistakeable knowledge that I expect one result of it, viz. the necessity of our abandoning a point in Borneo once in our possession.

Such a renunciation of territory is indeed, for a small Power like the Netherlands, a more difficult task than for a great Power, as in such cases a small Power always appears in a disadvantageous light. When England abdicated its protectorate of the Ionian islands in favour of Greece, or when ~~it~~ she recognised the independence of the Transvaal Republic, all Europe looked upon ~~it~~ her as being performing an act of magnanimity. But it admits of no dispute that when a small Power performs a similar act, it seems falsely as if there had been an act of weakness under the pressure of a more powerful State. Meanwhile, in my opinion, in the

the present case, this would be an uncertain point and it is [illegible] all the more important to present it in its true light, as, on former occasions, we have not always acted in our negotiations with England, on the subject of our colonial relations in the East Indian Archipelago, so boldly and vigorously as might have been wished. The principal reason for our moderation was that the stand-point, on which since 1824 we have rested as regards England in questions of territory in the Indian Archipelago, was a weak one, inasmuch as we constantly appealed to the *spirit* of the treaty of 1824, whilst England took up a much firmer stand-point in appealing to the *letter* of that treaty.

It is always very difficult to adduce data that will carry to every one absolute conviction.

Of

of the spirit of a treaty that was concluded nearly 70 years ago. We forget besides, to a great extent, under what circumstances the treaty of 1824 between the Netherlands and Great Britain was concluded.

When our representatives in England were negotiating the treaty, a great change had taken place in public opinion; the notion had begun to be entertained, both in political and commercial circles, that in 1814, in a fit of exaggerated magnanimity, they had given back a great many of the colonies which England had wrested from the Netherlands during the wars with Napoleon, and in that state of public opinion, the position of the English Ministers in negotiating with the Netherlands was an exceptionally difficult one.

In

In the well-known book of M. Elout we can find abundant proofs that such was the case; among others in a very remarkable letter of M. Falck, in which he urges the Netherlands Government not to present in the States-General in a too favourable light the advantages which the Netherlands would derive from the treaty, as there would be the danger that the English Parliament, by some vote or other, would attempt to prevent the treaty being concluded or to throw difficulties in the way.

In a letter which will be found in page 218 of M. Elout's book, M. Falck writes inter alia "The "*Times*" has already taken up arms against the treaty and reproaches the English Ministers that they have let themselves be caught in a trap. I know that every one

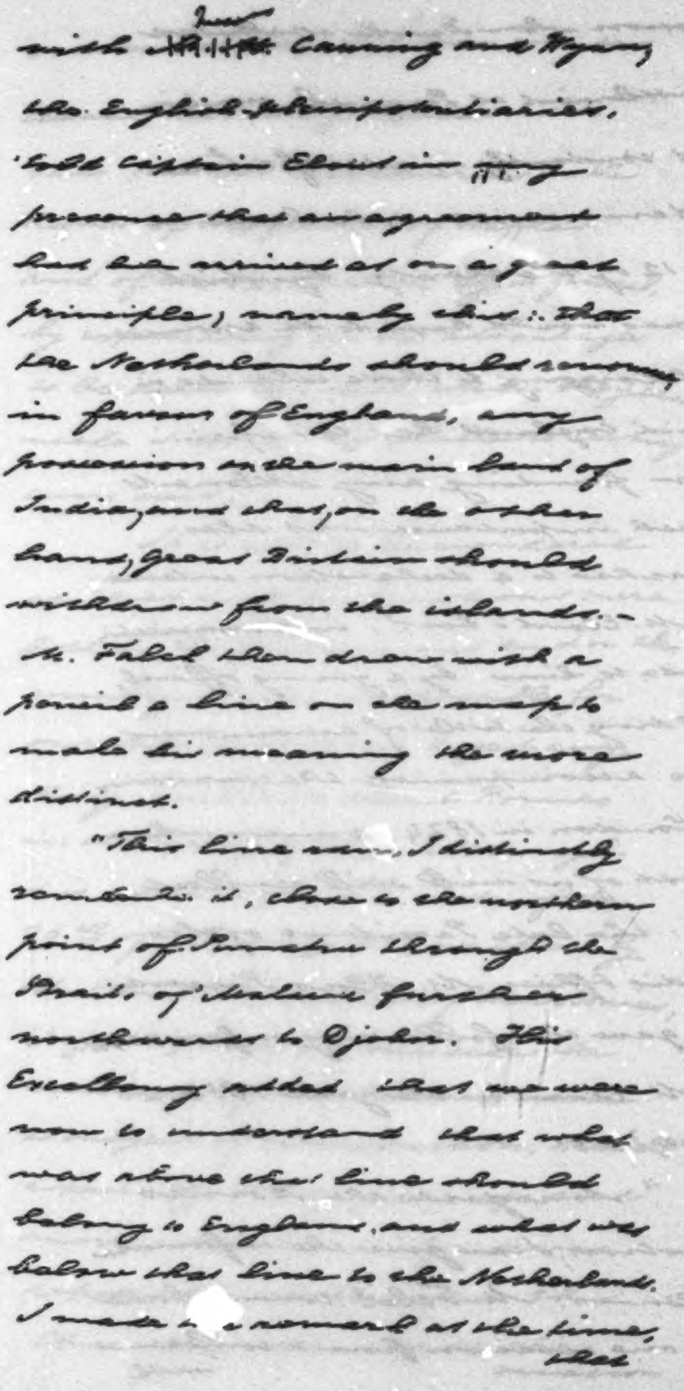
one must keep his own course clearing; but duty requires us to take care not to place arms in the hands of the friends of Raffles and of the opposition in general, by expatiating on the advantages to be derived, with which they can make it too disagreeable to carry our views.

It is not to be wondered at that with such notions were both in the Government and in the country, it was impossible for our representatives to get any thing mentioned about Borneo in the treaty of 1824, although it is evident from a note of the 20th of January 1824 written by M. Elout, Minister of the Colonies, (page 181) that on our side the interests of that island were a subject of consideration. Hence especially thirty years ago and more when the subject was repeatedly spoken of in this Chamber, especially on the

occasion

occasion when Brooke established a settlement at Sarawak, which was constantly insisted upon a line of demarcation to be based on art. 12 of the treaty, by which Borneo would have to be regarded as belonging to those islands in which England has to refrain from founding any settlements. Much importance was also attached to a declaration contained in M. Elout's book, in a communication made to him by a young official holding the title of amanuensis, who accompanied the commissioners to London in 1824; a man whom most of us will still recollect, viz: the late President of the Indies Office, M. Hora Siccama. He gave the following information to M. Elout in the year 1858:- (page 311):

" As regards the Borneo question, I can give the information following: M. Falck, coming home on one occasion from a conference with



with Messrs. Canning and Wynn, the English plenipotentiaries, told Captain Elout in my presence that an agreement had been arrived at on a great principle, namely this: that the Netherlands should renounce, in favour of England, any possession on the main land of India, and that, on the other hand, Great Britain should withdraw from the islands. — Mr. Falck then drew with a pencil a line on the map to make his meaning the more distinct.

"This line ran, I distinctly remember it, close to the northern point of Sumatra through the Straits of Malacca further northwards to Djohor. His Excellency added that we were now to understand that what was above that line should belong to England, and what was below that line to the Netherlands. I made [illegible] a remark at the time, that

that Borneo came below the
line. – "Yes" said Mr. Falck, "but we
[illegible] omit it
will ~~[illegible]~~ talking about it in
the treaty. – The English Minister
will have trouble enough in the
Parliament, and if the question
is raised, it will then be time
enough to assert our claims;
it is enough for us at present that
the English Statesman wish no
further extension of the possessions
of the East India Company, and
that they earnestly desire to
avoid in future all chances of
collision between the two Governments,
once for all."

I must remind the Chamber
that not a single protocol or
official document makes any
mention of this information
of Mr. Hora Siccama, of whose
credibility there is not the least
doubt whatsoever. What Mr. Falck
says is certainly very remarkable;
that it would be impossible
to get any thing said about
Borneo in the treaty. Herein
lies,

lies, in my opinion, a convincing proof that the system of holding firm, which was followed by preceding Governments, is highly weak, and it is therefore a cause of deep satisfaction to me that this stand-point, from which nothing but failure was to be expected, is now abandoned for good and all. I learn also with pleasure from the declaration in the Answer, that the treaty of 1824, so far as regards art. 15 has no reference to Borneo.

When we further consider this subject, we meet with something more that must not be overlooked and which, in my view of the question, gives us the right with a quiet conscience to give our sanction to this Convention, viz: as regards this subject a *mistake* and a *neglect* are to be laid to the charge of the Netherlands or Indian Government in former times.

The

The mistake is this that in 1846, after the expedition in consequence of the unsuccessful attempt of Erskine Murray, in the declaration that Boeloengan belonged to the dependencies of the Netherlands, the frontier of that kingdom was said to be at 3°20' N.L. whilst it should have been 4°20' N.L. This was a mistake of inadvertence made at that time by the Indian Government which published the declaration, but this mistake became a very serious one on account of what happened afterwards.

The neglect was, that when in 1850 we concluded a Convention with the Sultan of Boeloengan, in which Batoe Tinagat and the Tawao were fixed as frontiers, we neglected to notify the British Government of that Convention, as was prescribed in art. 3 of the treaty of 1824.

The Government in a note to its Explanatory Statement gave give an explanation to account for these omissions. I do not express any opinion one way or the other of this explanation being a complete justification or not, but the fact remains that the information was not given...

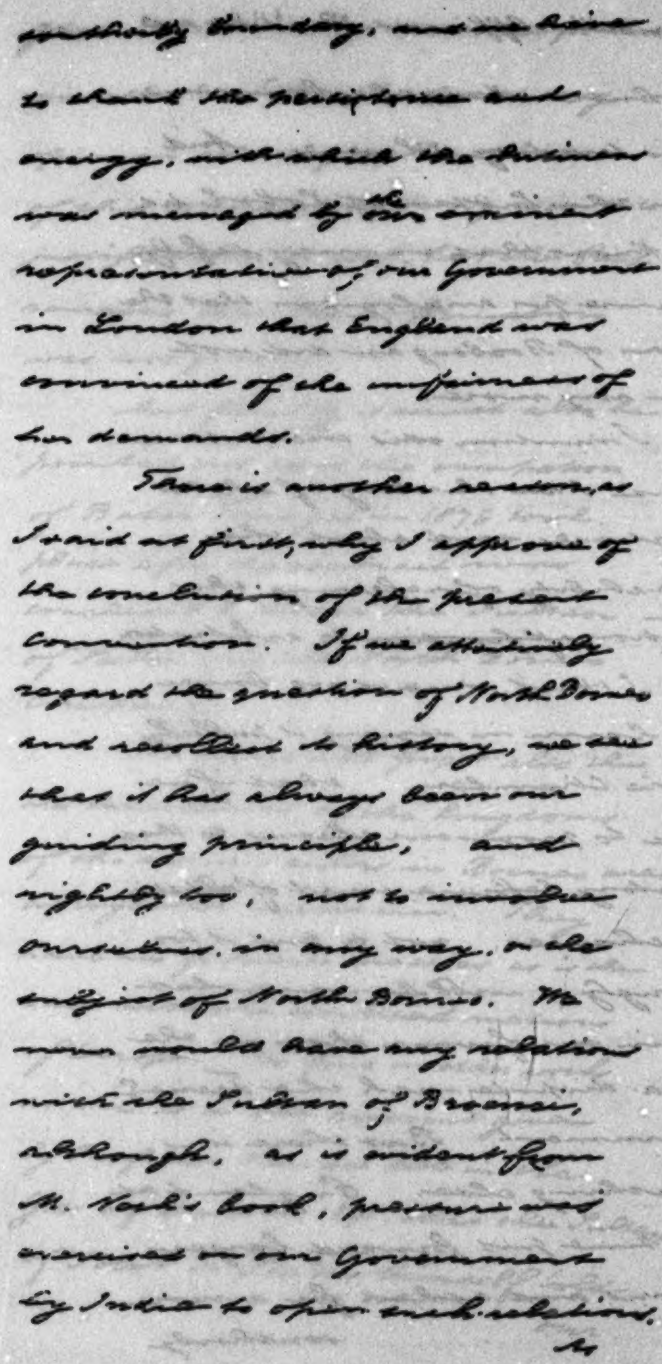
And finally it must also be pointed out that the occupation of Batoe Tinagat in 1878 took place after the contract was concluded between the Sultan of Sooloo and the North Borneo Company.

We must not forget also that the boundaries of the kingdoms of the various rulers in Borneo are altogether uncertain. They have no frontier treaties as is the case with the civilised nations of Europe. We find in other works as well as in the account given by Professor van der Lith in the Gids of December 1891, that the Sultan of Solok or Sooloo himself told

our

only without difficulties. Should he not know where the boundaries of this territory were. And when the Sultan of Sulu did not know that, we may safely assume per analogiam that the Sultan of Boelongan did not know any more.

I mention this circumstance because I am thinking of what is sometimes said about the desirability of referring this boundary question ~~of frontier~~ to arbitration. And I think there is no longer any harm in saying it publicly in the Chamber, that if we have to prove our claim to that territory before a court of arbitration, the chance, not to put it too strongly, will be somewhat less in our favour than in the Guiana dispute with the French Government. But there is something else. England at one time put forward larger claims and asked for a more southerly



southerly boundary, and we have to thank the persistence and energy, with which the business was managed by the eminent representative of our Government in London that England was convinced of the unfairness of her demands.

There is another reason, as I said at first, why I approve of the conclusion of the present Convention. If we attentively regard the question of North Borneo and recollect its history, we see that it has always been our guiding principle, and rightly too, not to involve ourselves in any way in the subject of North Borneo. We never would have any relation with the Sultan of Brunei, although, as is evident from M. Veth's book, pressure was exercised on our Government by India to open such relations.

As

As to the Sultan of Sulu, we have given up negociating with him, as Sulu had treaties with Spain dating back as far perhaps as the 18th century but in any case since 1851, and when Rajah Brooke at Sarawak and the British Government were at discord and the Rajah wanted to open relations with our Government, we formed the resolution, and we were quite right according to my judgment, to have nothing to do with the Rajah of Sarawak. We have always followed that policy as regards North Borneo, though every one could foresee that North Borneo, in our days of such universal eagerness for colonisation, would at last attract the attention of some Power or other, either in Europe or elsewhere.

As this must happen sooner or later, as it is inconceivable that North Borneo will be passed over quite unnoticed, I think it

were

most desirable for the Netherlands to have England for our neighbour, a country, which we already have as our most prominent neighbour in all our Indian possessions, with which Power we have treaties already, and, if I may say so, with which Power we have gradually attained a modus vivendi in regard to our Indian possessions. England rather than any other Power, as in the latter case we should have to go through from the outset the same course as has been pursued with England since 1824.

These are the reasons why I consider the ratification of this treaty, by which the position of the whole of Borneo will be advantageously settled for the future, desirable, and I shall most willingly vote for it.

M. Haagens. I do not intend to express my views on the merits of the Convention

in

in general. I am not perfectly pleased with ~~[illegible]~~ its contents. At the most, I can consider the termination of the present uncertainty as to the boundaries of the Netherlands territory in Borneo as an advantage, for the sake of which many objections may be passed over.

Meanwhile, there is one provision in the Convention which ought to be clearly explained, and I would like to hear the interpretation given to it by the Government. The point on which I am speaking is not touched upon in the Preliminary Report, but I have already personally submitted to it the attention of the Minister of the Colonies.

In art. II of the Convention the boundary line of the East coast of Borneo in a westerly direction is indicated in the manner, which we may read in the text, to which is added: "But be it understood, that in case the Simengaris or any other

other explanation. If this latter is not the case, the government should perhaps make itself sure on that point, before or at the time of the ratification of this Convention.

M. Rool: If another proof was wanted to show how desirable it is to express the provisions in treaties as clearly as possible, the treaty of 1824 would furnish that proof. That treaty is now nearly 70 years old and the dispute is still going on, to which islands in the Archipelago the 12th article is applicable.

The dispute has been reopened in the observations made upon the Bill before us. Meanwhile, the matter appears to me so clear, that I cannot understand that difference of opinion.

In art. 12 of that treaty England promised not to set up any trading company in the Carimon island or in the islands

islands of Battam, Bintang, Lingga or in any of the other islands lying south of the Strait of Singapore. By this was meant the islands of the kingdom of Djohor, or, as it is said, of the Lingga-Riouw Archipelago. This is proved in the first place by the circumstances which led to the treaty of 1824. This was England's taking possession of Singapore, the work of our enemy Raffles. Remonstrances on the subject were repeatedly made on the part of the Government, and these remonstrances, coupled with the complications which arose from the joint possessions of Sumatra, where at that time the English had gained much influence at various points, led to the treaty of 1824. But it is also proved most distinctly by the notes of the negotiators in which it is plainly said that the islands of the kingdom of Djohor were meant." Borneo is is not mentioned either in the treaty or in the notes; it lies also to the east and not to the south of the Strait of Singapore and North Borneo, where England in 1847 obtained — supremacy, itself lies to the north of that Strait.

I am quite sure, therefore, that art. 12 of the treaty of 1824 does not apply to Borneo. The Government too has taken up this stand-point in its present Convention, and I hope that it will always be maintained by the Government, for we only weaken our claims when we allege reasons for them which are so very questionable, and we get into a position in which, to repeat the expression of the honourable member for Amsterdam, M. De Beau-fort, we can only expect to be defeated.

There is something however that has made me doubt for a moment that the Government intends to go on maintaining the standpoint aforesaid, and I further wish to subjoin one question to the Government. In connection with the subject there is an observation in the Preliminary Report, that now that it was decided that art. 12 of the treaty did not apply to Borneo it was also decided that England would never be able to acquire any rights from art. 15. That article provides, that in case one of the possessions therein mentioned be abandoned by Us or by England, the rights of the party abandoning the possession shall be transferred to the other. It was thought as regards Borneo that England would never acquire any rights from that article and the wish was expressed to hear from the Government if this was also their interpretation.

The answer of the Government was:

was.

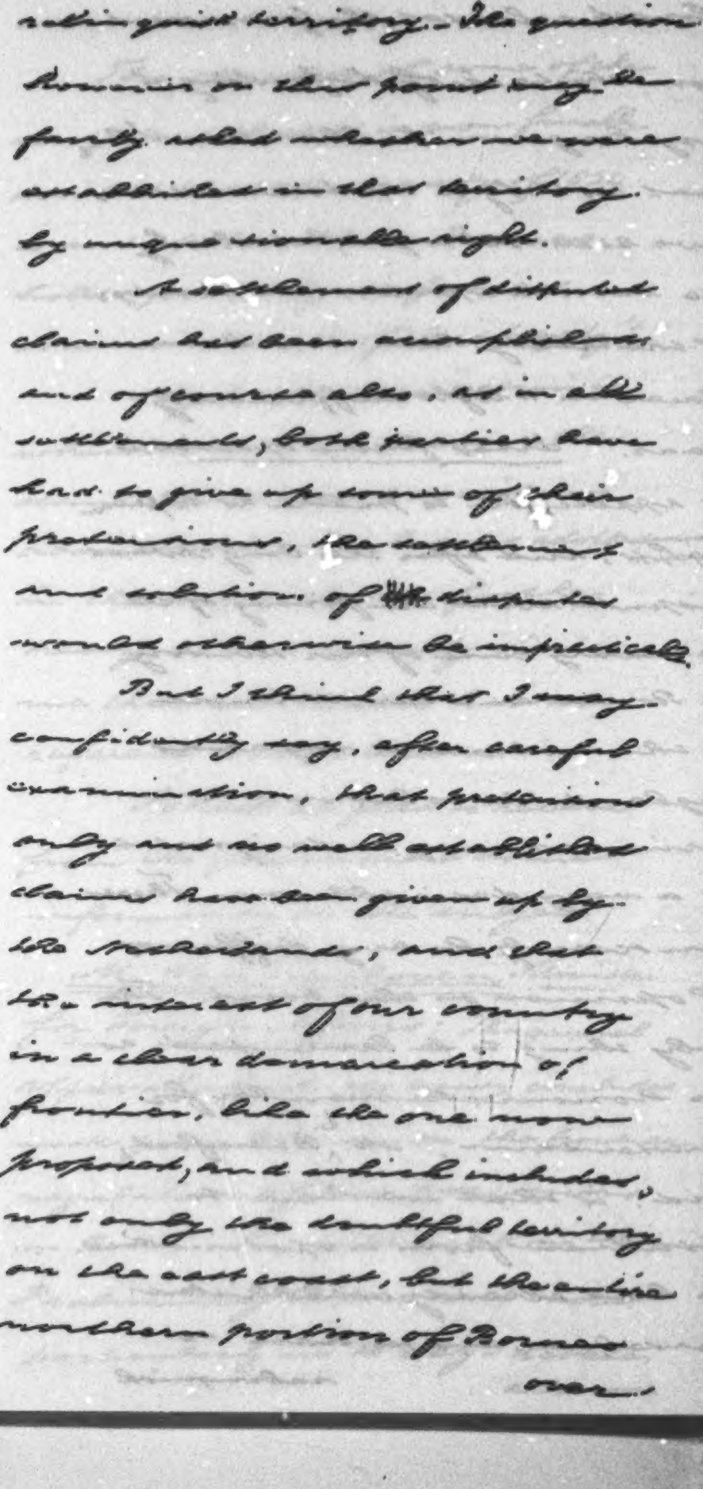
The opinion of some of the members that it is now finally decided that the treaty of 1824 is not applicable to Borneo, holds good only so far as concerns art. 15 of that treaty".

My present question is, whether in this answer, the stand-point is not again abandoned, which was adopted in the negociations for the treaty, as it is equally clear to me that art. 12 also has no reference to that island.

I shall be glad to receive from the Government some information on the subject.

M. Van Tienhoven, Minister for Foreign Affairs: The general approval which the treaty concluded with Great Britain on the frontier regulation of our possessions in Borneo has met with in the Preliminary Report, and more particularly in to day's debate, almost

almost relieves the government from the task of defending it any longer in the Chamber. I think that not only in the documents they have been exchanged, but also by the various speakers the advantages of the treaty have now been placed in a light sufficiently clear. *Litis finiri oportet* is as applicable to public as to private claims ~~rights~~; and after the long continued disputes about the fixing of the boundary line of our territory in Borneo and our attitude in that island as regards England the solution now arrived at may be designated as a very desirable one. There can scarcely be any difference of opinion on this point. The only thing to be lamented, as the honourable member for Amsterdam, Mr. de Beaufort, said, is that we have to withdraw from a spot in which we had already established ourselves, and to have to relinquish



within quiet territory. – The question however on that point may be fairly asked whether we were established in that territory by unquestionable right.

A settlement of disputed claims has been accomplished, and of course also, as in all settlements, both parties have had to give up some of their pretensions, the settlement and solution of disputes would otherwise be impracticable.

But I think that I may confidently say, after careful examination, that pretensions only and no well established claims have been given up by the Netherlands, and that the interest of our country in a clear demarcation of frontier, like the one now proposed, and which includes, not only the doubtful territory on the east coast, but the entire northern portion of Borneo

over.

over which the protectorate of Great Britain extends at the present time, is of subordinate importance.

It is quite true that in the western portion as desired — contention has as yet nowhere have any insuperable difficulties presented themselves, but it has always been evident that questions may easily arise, questions, which we have now to endeavour to anticipate by bringing the two parties in good time to an amicable settlement.

The disputes which have arisen are now terminated and those which might otherwise arise in the future are as far as practicable prevented.

For our having secured this result I heartily join the honourable member for Amsterdam in the praise he has bestowed on our worthy representative in London; he has always defended our claims

claims with might and main, and carried out the negotiations with tact and judgment, aided in them by the very able officials assigned to him as technical advisers.

As regards my assertion that in the settlement of the disputed question we have not relinquished any well established, but only doubtful, claims, I wish to point out, that the ~~rights~~ claims which, according to the arguments which have so often been put so prominently forward, as derived from the treaty of 1824, cannot be considered as incontestable. Even if we do not go so far as those who maintain that all the remonstrances on the subject which for more than 30 or 40 years have been made to England by the Netherlands have no firm basis, there is yet much to say in favour of the view, that the object of the treaty of 1824 was not to completely exclude for all time British

British influence in the north of Borneo.

Your deliberations which have just been made in the Chamber may be regarded as completely justifying this expression of my opinion. In confirmation of it I believe I may add that, in the negotiations carried on in London, which led to the treaty of 1824, art. 12 drawn up only at the last moment, as it now stands, is included in the Convention. — On the side of the Netherlands, at the very outset and as a basis of the discussion, a more definite boundary line was proposed. The wish was to have a line of demarcation beginning off Kedah, a place on the peninsula of Malacca, to the north of the Strait of that name, and terminating at the end of the Strait of Singapore.

We wished, at that time, that all the territory lying to the east and north of that line should be left to England, and that

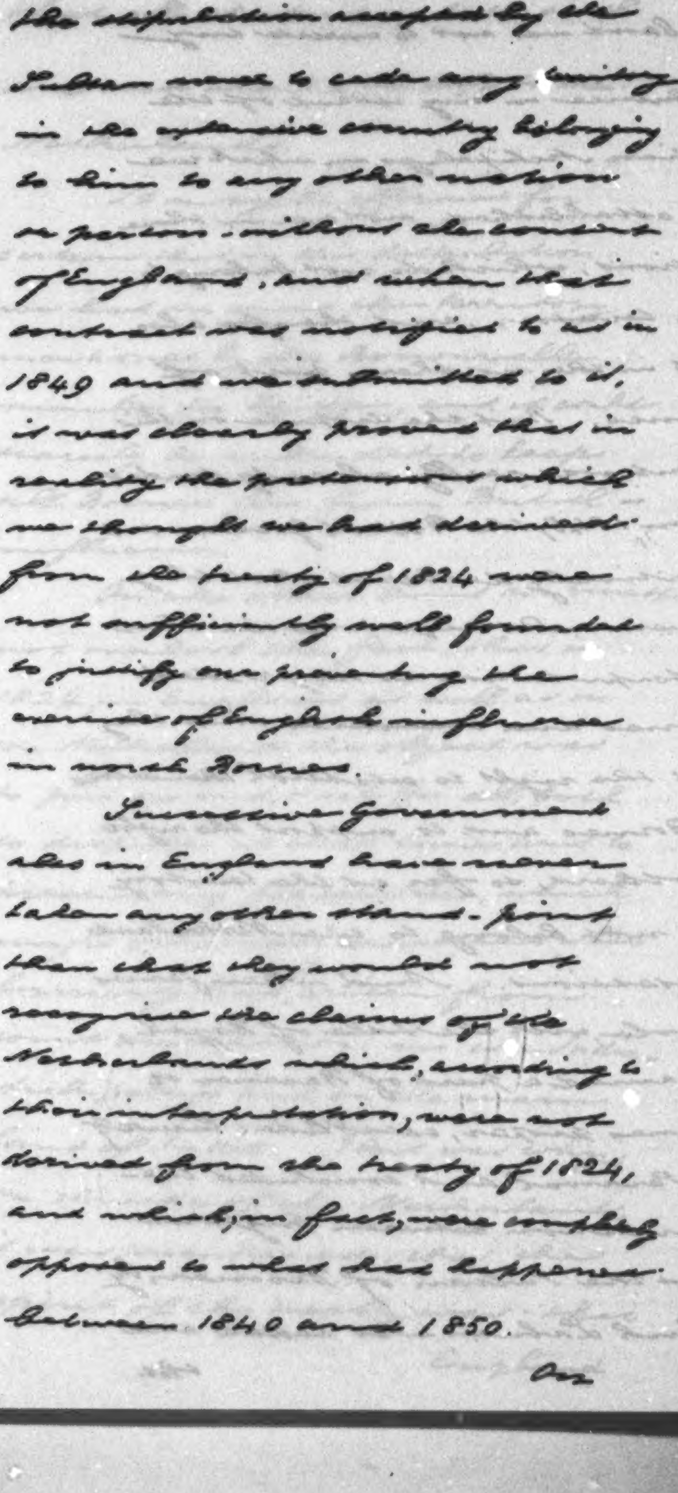
that all the territory to the south and west should be left to the Netherlands.

It may be affirmed for certain that, in this distribution, we had in view the territory mentioned by the honourable member for Leiden, and it could scarcely be intended to keep all Borneo free from British influence.

On the other hand we must not overlook the fact, that in 1824, in England as well as in the Netherlands the object was to put an end, once for all, both to disputes at that time and to prevent any future ones, which might otherwise arise and which formerly had often arisen from joint occupation, in the Indian archipelago and on the main land of India. This was why, on the side of the Netherlands, it was mentioned, that the spirit of the treaty was: that England

England was not to exercise any influence in any island of the Indian Archipelago in which we are established, not even in those portions, which do not belong to our territory, and therefore also not in the northern part of Borneo. But the dispute on this point was really already decided when, in 1845, the British Government positively declared that they never could acquiesce in that interpretation as regarded Borneo and considered that they had the right to establish themselves in Borneo and to support the rights of others, so far as the territory did not belong to the Netherlands possessions. And when James Brooke, with the title of Rajah, obtained a part of Borneo or Borneo proper, established himself at Sarawak and concluded the convention between England and the Sultan of Borneo, by which Labuan was ceded and

the



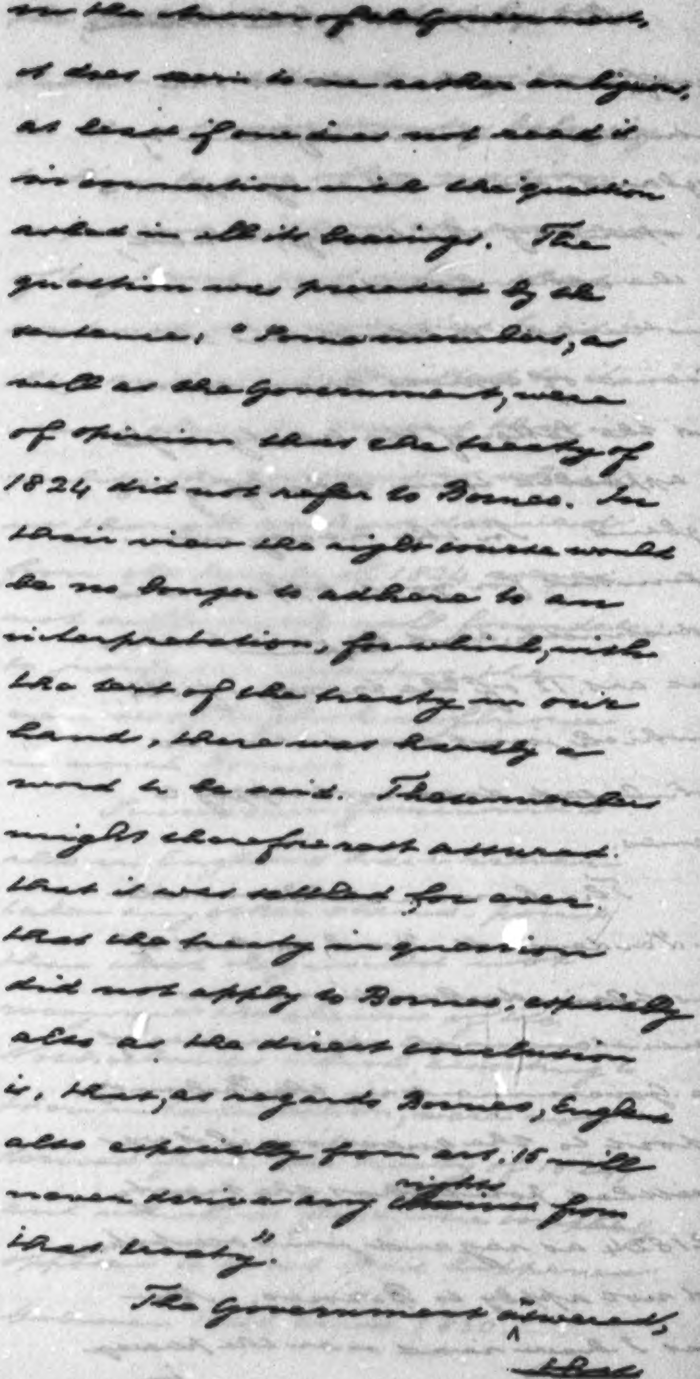
the stipulation accepted by the Sultan never to cede any territory in the extensive country belonging to him to any other nation or person - without the consent of England, and when that contract was notified to us in 1849 and we submitted to it, it was clearly proved that in reality the pretensions which we thought we had derived from the treaty of 1824 were not sufficiently well founded to justify our preventing the exercise of English influence in north Borneo.

Successive Governments in England have never taken any other stand-point than that they would not recognise the claims of the Netherlands which, according to their interpretation, were not derived from the treaty of 1824, and which, in fact, were completely opposed to what had happened between 1840 and 1850.

Our

On the part of the Netherlands, therefore, in order to divert the future and dissemination of England, we could only appeal to the spirit of the treaty, whilst, on the other hand, we were constrained to admit that the absence of express provisions and the letter of the treaty might be appealed to in behalf of England. In the treaty now submitted for your approval it is distinctly, and de jure proved that art. 12 of the treaty of 1824, by which joint occupation is prohibited, does not apply to Borneo.

The honourable member for Leiden, Mr. Boot, asked if this plain declaration was consistent with the answer of the Government in the Preliminary Report to the question if it was a settled point that the treaty of 1824 as regards joint occupation did not apply to Borneo. Now that I have read over the passage in



in the answer of the government,
it does seem to me rather ambiguous,
at least if one does not read it
in connection with the question
asked in all its bearings. The
question was preceded by the
sentence, "Some members, as
well as the Government, were
of opinion that the treaty of
1824 did not refer to Borneo. In
their view the right course would
be no longer to adhere to an
interpretation, for which, with
the text of the treaty in one's
hand, there was hardly a
word to be said. These members
might therefore rest assured.
that it was settled for ever.
that the treaty in question
did not apply to Borneo, especially
also as the direct conclusion
is, that, as regards Borneo, England
also especially from art. 15 will
never derive any ~~claims~~ rights from
that treaty".

The Government answered,

that

that this interpretation can hold good only so far as art. 15 is concerned. The meaning of the answer was no other than that the provisions relating to the possessions mentioned in the articles, which are quoted in art. 15, are not applicable to Borneo, but this cannot hold good for various other provisions of the treaty which regulate the relations between the Netherlands and England.

In the sentence quoted, satisfaction was expressed that art. 45 was not applicable to Borneo, and the government says that the satisfaction must be limited to the provision in that article, as of course all provisions which do not refer to specific and limited portions apply to the attitude of the English and Netherlands — possessions, the one towards the other. On this point I will refer only to the provisions of the treaty

treaty as regards commercial relations, to the provisions which enact that notification shall be made of all treaties concluded, not to speak of other matters. The provision of art. 15 will not however apply to Borneo, as it is now acknowledged as not belonging to the islands mentioned in the 2nd paragraph of art. 12. — The provision in art. 15 is that concerning the transfer to any other power of lands or establishments mentioned in the various articles therein named.

To decide the question whether, among the claims that the Netherlands renounce by this treaty, some are indisputable (or not, it is also not enough to show that the claim of the Netherlands to be derived from the treaty cannot be called a well grounded claim, but it must also be proved that the claim of the Netherlands to

fix

for the bounding of its territory on the East coast of Borneo so far as the Tawao river and Batu Tinagat was not in reality indisputable.

I believe that the history of that settlement of the boundary is sufficiently well known to the Chamber. I may however be permitted to recall to your recollection the grounds from which the Netherlands derived its claim to extend its territory to the frontiers aforesaid. From these grounds it is made clear at once that the claim, as regards the boundary of the Netherland territory in the case of Borneo also, was not incontestable, and that it cannot be said that we are now — retreating and giving up territory that undoubtedly belongs to us.

What was the ground for maintaining that our territory reaches to the Tawao river and Batu Tinagat?

Tinagat? It was not grounded
on any regulation ~~made~~ agreed to by the
Sultan of Solok on the one side
and the Sultan of Boeloengan
on the other. It rests mainly
on the declaration made in 1849
by the Amerik of Boeloengan,
that the territory of the Sultan
of Boeloengan extended to Batoe
Tinagat and to the aforesaid
river Tawao. After that
declaration we were quite
right in correcting the mistake
made in 1846, when we fixed
the boundary at 3° 10' N.L.

For reasons with which
we are unacquainted, no notification
was made to the British
Government of the treaty of
1850, by which the ~~[illegible]~~ extensive limits
of the Sultan of Boeloengan
was again confirmed. No
opposition therefore at that time
could be made by that Government.
When the Sultan of Solok, in

January 1878, made over a part of his territory to Von Overbeck and Dent, and later on assigned a part to the North-Borneo Company up to the Sibuku river, and thus overstepped the boundary adopted by the Netherlands authorities, a difference of opinion was manifested that was not entirely removed by our subsequent treaty in June 1878 with the Sultan of Bulungan, of which notification was sent to the British Government, and by the actual occupation of the extreme boundary agreed upon.

I do not notice the question whether, when the Sultan of Sulu made over the territory, we were guided by the chart of the Celebes Sea and the Sulu-Archipelago issued by the British Admiralty, in which a river to the north of Batu Tinagat is called the Sibuku river

In

~~For another, the conclusion~~ and an appeal to the maps, England pointed to the Netherlands maps of 1841, 1848 and 1857, which, although their official character could be denied for valid reasons, indicate the boundary at 3° 10' N. L. or even still farther south.

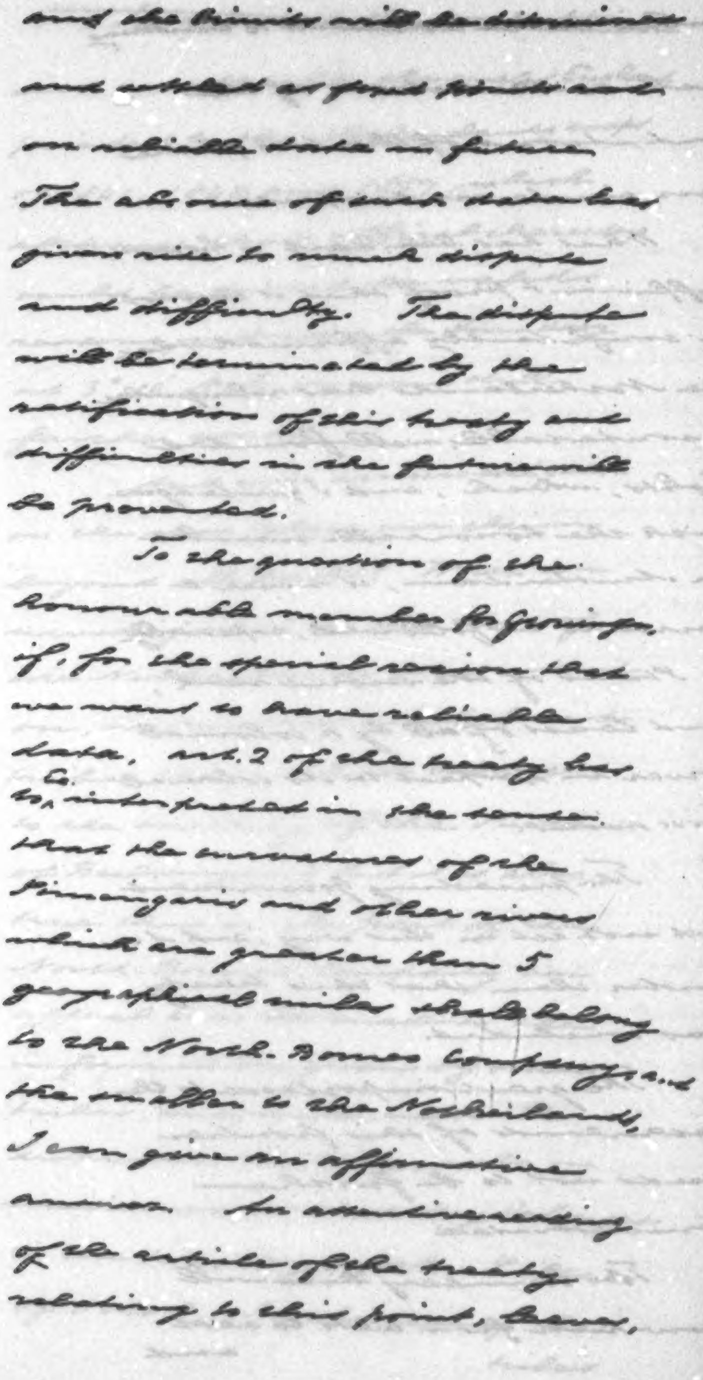
And can an investigation on the spot place our claim beyond all doubt? When an investigation on the part of the Netherlands was entered on, we most certainly found tribes there which belonged to the territory of the Sultan of Boeloengan; but it is also true that on the part of the North-Borneo Company an appeal can be made to the information given by other tribes, encountered in the disputed territory, who maintained that they belonged to the territory of the Sultan of Solok. In the case of the tribes hither more addicted to rendering such contradictions of the contentions of the two parties can excite no surprise.

What has been said is however sufficient to prove that it cannot be confidently affirmed that the Netherlands has relinquished incontestable, well-founded rights, which, and I quite agree with the honourable member for Amsterdam, is never a course to be followed, especially by States of the second rank, and least of all by a colonial Power in respect to its colonial possessions.

The preceding Government did not act in this way, and it was under them that this treaty was concluded.

The great importance to the Netherlands of this frontier needs not to be further demonstrated.

The boundary line will now run from west to east and



and the Rivers will be determined and settled at fixed points and on reliable data in future. The absence of such data has given rise to much dispute and difficulty. The dispute will be terminated by the ratification of this treaty and difficulties in the future will be prevented.

To the question of the honourable member for Groningen, if, for the special reason that we want to have reliable data, art. 2 of the treaty has to be interpreted in the sense that the curvatures of the Simengaris and other rivers which are greater than 5 geographical miles shall belong to the North-Borneo Company and the smaller to the Netherlands, I can give an affirmative answer. An attentive reading of the article of the treaty relating to this point, leaves, in my opinion, no doubt about this being the correct interpretation. It has, therefore, been always prominently put forward by our negociators and the Government only recently received from them the assurance of that being the only meaning to be attached to it, and that this is also the English interpretation is undoubted. This point is, therefore, no longer an open question. The aim has been to secure to Netherlands possession as far as possible the rivers which fall into the sea below 4° 10' N. L.; and indeed the curvature of 5 geographical seems ample enough for us to expect that the rivers whose entire course in the unknown stretches of the interior has not been thoroughly ascertained, will belong to the territory in which they enter the sea.

I think that I have now answered

answered the questions addressed to the Government, and shown to you, so far as was still needed, the advantages that will be secured by the treaty. The Government can with confidence recommend your approval of it.

M. Van Dedem, Minister of the Colonies: I wish to state a few facts in addition to the observations made by my worthy colleague. What M. De Beaufort said is so true, that the boundaries of the small inland States are usually very uncertain and incorrectly given by the Chiefs, that in drawing up the topographical map of the Western division of Borneo it became evident that no single boundary was correct. In that territory there are, as we know, twenty subordinate Chiefs. Each is disposed so to give the boundaries of his land that he may be "on the safe side," and gain rather than lose.

I should like to state

another

another fact. It is true that the Assistant of Boelongan declared in 1849 that Batoe Tinagat belonged to Boelongan, and on that our claims were founded; but it is also true, as is evident from the enlarged report that lies before me, that the Sultan of Boelongan and the grand nobles at the commencement of the preceding year did not deny that the claims of Boelongan to Batoe Tinagat could not be proved and were in reality imaginary.

They then made a journey accompanied by the Resident from the South and East division of Borneo to the territory in question. When they arrived at Batoe Tinagat it was found from the evidence of the native Official at that place that from the 21st October till the 23rd November no less than 31 persons had come from the territory of Tidoeng to collect ~~[illegible]~~ jungle products (boschproducten);

no

so little notice was there taken of the Sultan of Bulungan! The Sultan and the grandees of Bulungan were quite content that Broershoek should be taken as the extreme point of the boundary; they have not made the smallest objection to it. The Sultan also offered the privilege to the inhabitants of Bulungan of collecting timber &c. for 15 years, after he had already given his consent in writing, really more as a *pious wish*. He ~~would~~ might have been quite contented even without this addition.

Annex 85

FINAL REPORT OF THE COMMITTEE OF RAPPORTEURS ON THE BILL TO RATIFY THE AGREEMENT CONCLUDED BETWEEN THE NETHERLANDS AND GREAT BRITAIN AND IRELAND TO FIX THE BOUNDARIES BETWEEN THE POSSESSIONS OF THE NETHERLANDS ON THE ISLAND OF BORNEO AND THE STATES ON THAT ISLAND WHICH ARE UNDER BRITISH PROTECTION,

ADOPTED ON 31 MARCH 1892 (ENGLISH TRANSLATION)

TRANSLATION

Proceedings of the First Chamber of the States General, 1891-1892

FINAL REPORT OF THE COMMITTEE OF RAPPORTEURS

on the Bill to ratify the Agreement concluded between the Netherlands and Great Britain and Ireland to fix the boundaries between the possessions of the Netherlands on the island of Borneo and the States on that island which are under British protection

Generally, the Committee was inclined to approve this Bill. Although the Netherlands had not obtained everything to which it believed it was entitled, the Committee considered that what was of predominant importance was that all uncertainty about the boundaries of Dutch possessions in Borneo should be removed.

Some members wished to receive certain information about the negotiations that had been conducted. On earlier occasions successive governments had repeatedly given assurances that the settlement of the English in Borneo was not in the nature of a protectorate and was nothing but a private trading company. (See: *Proceedings of the First Chamber, 1888-1889*, meeting of 29 January, pp. 230 and 231.) The previous Minister for Foreign Affairs announced on the same day that "it was within the realm of probability that an English protectorate of both Sarawak and the North Borneo Company could not be far away". The Minister added that the state of the negotiations at that juncture did not permit him to discuss the matter in more detail. In fact, the member who raised the issue had already said in advance that he did not immediately require information about the change in the position taken by England, but was prepared to await such moment as the Government considered suitable to make statements to the House. It was therefore rather surprising that the Explanatory Memorandum to this Bill, which emanated from the previous Minister, did not contain the information which might have been expected, which is why the Committee put to the present Government the question of what had been done by the Netherlands following the said change of position.

Another observation was added in this connection. The intention of the Agreement is evidently that everything to the north of the boundary belongs to the British protectorate and everything to the south of that line is recognised as the possession of the Netherlands. It is assumed that the respective Governments will ensure that within the area to which each is entitled the rights in relation to the native rulers, both on Borneo itself as on the neighbouring smaller islands, will be sufficiently regulated, so that difficulties with other Powers with respect to the respective claims, need never be feared.

Adopted on 31 March 1892.

MELVIL VAN LYNDEN
VAN LIER
SIX
VAN WELDEREN RENGERS
VAN GENNEP

Proceedings of the First Chamber of the States General, 1891-1892
15th meeting, 1 April 1892

Agenda item 43.

II. RATIFICATION OF THE AGREEMENT CONCLUDED IN LONDON ON 20 JUNE 1891 BETWEEN THE NETHERLANDS AND GREAT BRITAIN AND IRELAND TO FIX THE BOUNDARIES BETWEEN THE POSSESSIONS OF THE NETHERLANDS IN THE ISLAND OF BORNEO AND THE STATES ON THAT ISLAND WHICH ARE UNDER BRITISH PROTECTION (43)

The debate is opened:

Mr Van Tienhoven, Minister for Foreign Affairs: It was pointed out in the Final Report that when the Minister's predecessor was asked in the meeting of 29 January 1889, following the earlier repeated assurances about England's intentions in North Borneo, about the cause and significance of the more direct involvement of that State in the affairs of Borneo and about what the Netherlands would do if England were to proclaim a protectorate over the three States in North Borneo, he was not pressed for an immediate reply but was asked to state in due course what the Netherlands would do or intended to do in this connection. The Government replied that no further statements could be made at that juncture, which is why the House has now seen fit to ask the present Government what action was taken by the Netherlands following the said change of position.

By resigning itself to the acceptance by Great Britain of the protectorate over North Borneo, the Netherlands also had to abandon its previous position; this meant that it could no longer maintain that Article 12 of the 1824 Treaty concluded between the Netherlands and Great Britain prohibited the acceptance of such a protectorate.

I wish to inform the House very briefly of what I know about the course of this affair. It is presumably common knowledge that since 1845 the successive cabinets in England have always refused to recognise the correctness of the allegation of the Netherlands, namely that Article 12 of the 1824 Treaty precludes the right of establishment and every interference of England in Borneo. I will not remind you how this issue was revived after the years from 1840 to 1850 or how the alleged rights of the Netherlands were vigorously disputed in later years following the assignment by the Sultans of Brunei and Sulu of a given territory to Baron Von Overbeck and Alfred Dent, who were later the founders and promoters of the British North Borneo Company. When, in November 1881, the English government granted this North Borneo Company a charter in which the rights and duties between the company and England were regulated, the Netherlands Government raised serious objections in accordance with the position that had always been taken with regard to the 1824 Treaty. It was also felt necessary to make strong protests against the description of the territory of the North Borneo Company because it was considered that, in so far as it had been ceded on the south side of the territory of the Sultan of Sulu, it encroached on the territory of Dutch possessions, namely on the territory of the Sultan of Booloengan which was under Dutch rule.

It was pointed out to the English government that by granting the charter Great Britain had implicitly recognised that the entire territory ceded to the company had belonged to the Sultan of Sulu. This was now disputed by England, which maintained that it had done nothing but grant an incorporation act to a private Company and had made absolutely no pronouncement about the boundaries defined by the Sultan of Sulu when ceding his territory. After 1884 the matter remained dormant; the British Government declared that it would not exercise any sovereign rights, and the area up to Batu-Tinagat and the River Tawau remained our territory and was occupied by us, notwithstanding the protests of the North Borneo Company.

In the summer of 1888 the Ministry of Foreign Affairs received information from Singapore for the first time that England was in the process of concluding various agreements with the Sultan of Brunei, with Raja Brooke of Sarawak and with the board of the British North Borneo Company to announce the English protectorate over the three States of North Borneo. These statements were soon confirmed by our envoy in London, who also reported that this was being done mainly at the urging of the managing director of the North Borneo Company Mr Alfred Dent, with a view to ending the constant dissension between Raja Brooke, the Sultan of Brunei and the English company. However, Brunei had not yet acceded to the agreements. In early August of that year the English Government announced in Parliament that although the negotiations had not been concluded, it was indeed engaged in establishing a protectorate in North Borneo. It was also stated at the same time that the English Government would, as in the past, not recognise that the 1824 Treaty concluded with the Netherlands prevented the establishment in Borneo of a protectorate over the said States.

The Netherlands Government then requested further information and clarification and obtained the assurance that the protectorate would not be proclaimed before this had been communicated to the Netherlands Government in accordance with Article 3 of the 1824 Treaty. This communication was subsequently received confidentially from the English legation here on 19 November 1888, and the protectorate was proclaimed shortly afterwards.

As soon as this confidential communication was received, the Netherlands Government considered whether it should not protest and maintain its position that Article 12 of the 1824 Treaty did not permit the establishment of such a protectorate. After due deliberation and once it had transpired that the English Government would not abandon its position, it was decided that we should not maintain the previous assertions, mainly because - as I have already indicated in the other House of Parliament - there was much to be said for the English position, and that we should instead make use of this opportunity to obtain the badly needed description of the boundaries. This could now be arranged since we were no longer faced with a private company and were now dealing with the British Government. The latter agreed to a boundary settlement of this kind. In this connection the Netherlands Government also managed to secure agreement not only that the boundaries between the territory of the North Borneo Company and the Dutch possessions should be fixed but also that the boundaries for the whole of North Borneo should be settled, including the boundaries with Sarawak and Brunei. The settlement has now taken place, and this treaty is the fruit of the negotiations conducted by both sides in a spirit of great goodwill and rapprochement. The only possible objection to this settlement could be that the boundary of Dutch possessions on the east coast does not extend so far as had been assumed by the Netherlands. It should, however, not be forgotten - if this objection is raised - that this was a transaction, that there were no established rights and that the boundary as now fixed differs much more from what the North Borneo Company had claimed as its territory. The result that has been obtained can and indeed should be viewed with satisfaction.

I believe that I have now explained sufficiently the position taken with regard to the treaty and that I have supplied the information required in the Final Report, in particular the question raised in this Report as to what was done by the Netherlands Government during and after the establishment of the British protectorate in North Borneo.

I wish to leave the question that deals more with the arrangement of our colonial relations to be answered by my esteemed colleague for the Colonies.

Mr Van Dedem, Minister for the Colonies: Mr Speaker! The last sentence of the Report prompts me to state that the Government recognises that our duty is to ensure as far as possible that "the rights in relation to local rulers both in Borneo itself and on the neighbouring smaller islands are regulated in such a way that difficulties with other Powers need never be feared with regard to their respective claims". The same also applies, in fact, to our other territories in the East Indies. And I believe that the same view is held in the British part of Borneo.

Mr Fransen van de Putte: Mr Speaker! I have naturally no objection to this Bill, because for a quarter of a century I have taken the position now adopted by the Government.

Both in the other House and in this one I have always warned against making matters difficult for the Government, against making demands on the Great Powers which we cannot uphold in the long term. It has always been my conviction that we could not rely on the 1824 Treaty as regards Borneo. In the meantime, various Ministers for Foreign Affairs such as Van der Does de Willebois, Rochussen and Van Karnebeek have, at odds with this conviction, have made representations to England in this matter. The predecessors of this Minister have repeatedly stated that they had received assurances from England that there was no question of a protectorate, merely of the establishment of private persons or companies. It was therefore hardly surprising that when the Minister's predecessor finally informed the House that England had communicated that it would accept the protectorate, he was asked what had been the reply to this communication in view of the previous assurances to our Government.

The previous Minister for Foreign Affairs declared in 1888 that no information could be given about negotiations that were under way with England. The reply on the part of the House was that it would wait until the Government saw fit to inform the House of what it had replied to this communication in the light of the statements to previous Governments by England regarding a protectorate. As mentioned in the Report, the Explanatory Memorandum to the Bill was signed by the predecessor of this Minister, but it contains absolutely nothing about what action was taken in this matter. Nor have I heard any mention of this in what the present Minister for Foreign Affairs has just said. I believe that it may be concluded from this that there has been an omission in this matter.

I thank the Minister for the Colonies for his undertakings, particularly for expanding on the answer to the questions raised in the Report. It is, after all, necessary that we are correct not only in our treaties with States in Borneo and on the neighbouring islands but also throughout the entire archipelago. I say this in view of the experience we have gained elsewhere in recent years in this respect.

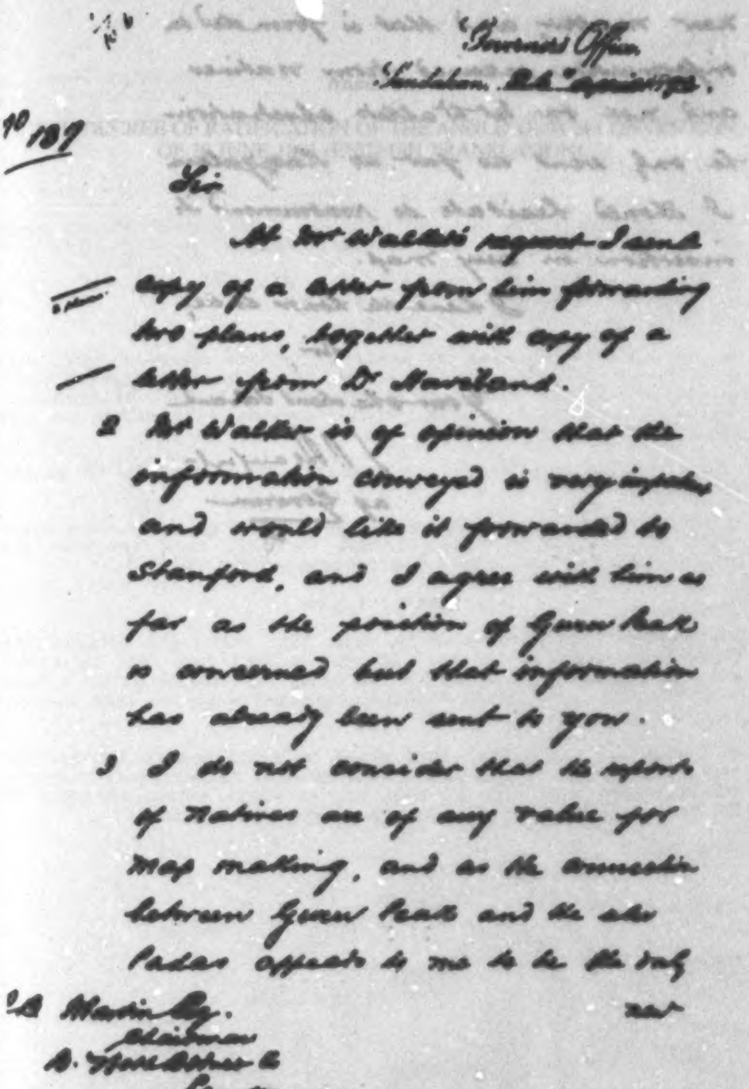
Mr Van Tienhoven, Minister for Foreign Affairs: Mr Speaker! To the extent that there may have been an omission in the original Explanatory Memorandum of the Bill regarding what happened after the British Government accepted the protectorate, I consider that it has been rectified by the statements I have now made. As regards the observation by the Honourable Member from the province of Zuidholland that previous Ministers for Foreign Affairs repeatedly stated that England's sole purpose in giving a charter to the North Borneo Company was to enable and facilitate the operation of a private company, I consider that my esteemed predecessors were justified in making these statements since England had repeatedly stated that it did not thereby intend to establish rights of sovereignty. Its stated intention was solely to grant an incorporation act to an English company. However, the provisions of the charter indicated that it involved more than the recognition of legal personality. The charter contains, for example, a provision that the appointment of senior officials of the company should be subject to the approval of the English Government, and that England would also be responsible for arranging the position of the company in any dealings with foreign powers.

England's position in this matter changed only in more recent years. What possibly contributed to this is the treaty concluded in 1885 in which Spain waived its rights of sovereignty on the mainland of Borneo. It is also possible that the various disagreements between the States so closely connected with Great Britain, namely Sarawak, Brunei and the territory of the North Borneo Company, occasioned this change of position. Whatever the case, it was not until 1888 that the Netherlands Government learned of the intention to establish a given protectorate, whereby the British Government abandoned the position regarding its relations with the company and with the other two States of North Borneo which it had communicated to the Netherlands Government on various occasions before 1884.

The deliberations are declared closed and the Bill is approved without a vote.

Annex 87

LETTER FROM GOVERNOR'S OFFICE BRITISH NORTH BORNEO COMPANY, SANDAKHAN, TO BRITISH NORTH BORNEO COMPANY, LONDON, DATED 26 APRIL 1892



Governor's Office,
Sandakan. 26th April [illegible].

No 187

Sir

At Mr Walker's request I send copy of a letter from him forwarding two plans, together with copy of a letter from Dr Haviland.

2 plans

2 Mr Walker is of opinion that the information conveyed is very important and would like it forwarded to Stanford, and I agree with him as far as the position of Gunu Peak is concerned but that information has already been sent to you.

3 I do not consider that the reports of Natives are of any value for map making, and as the connection between Gunu Peak and the [illegible] Padas appears to me to be the only

one

W. B. Martin Esq.
Chairman
B. N. Borneo Co.
London.

new matter, and that is founded on information received from natives and not on Mr Walker's observation he only went as far as Langgalan I should hesitate to recommend its insertion in any map.

I have the honour to be,
Sir,
Your obedient Servant
L. P. Beaufort
Ag Governor

Annex 86

DUTCH DECREE OF RATIFICATION OF THE ANGLO-DUTCH CONVENTION OF 20 JUNE 1891 (ENGLISH TRANSLATION)

SESSION 1890-1891

Ratification of the agreement concluded between the Netherlands and Great Britain on 20th June 1891 in London, defining the borders between Dutch possessions on the island of Borneo and the British Protectorate States on the said island.

LEGAL BILL

In the name of Her Majesty Wilhelmina, by the Grace of God Queen of the Netherlands, Princess of Orange-Nassau, &c., &c., &c.

We Emma, Dowager Queen, Regent of this Kingdom;
All, who see, read or hear this, I greet you!
and hereby announce the following:

We, having thus pondered the matter, that the agreement concluded on 20th June 1891 in London to define the borders separating Dutch possessions on the island of Borneo and the British Protectorate States on the said island, shall include alterations to the territory of the state;

Taking into consideration the second part of Article 59 of the Constitution;

In this manner, We, having heard the Council of State, and after joint discussions with the States General, have approved and comprehended, as We approve and comprehend the following:

Sole article.

The agreement printed next to this law, concluded between the Netherlands and Great Britain/Ireland on 20th June 1891 in London and defining the borders separating Dutch possessions on the island of Borneo and the British Protectorate States on the said island, shall be approved.

We charge and order that this shall be published in the Statute Book, and that all Ministerial Departments, Authorities, Councils and Officials concerned in this matter shall adhere strictly to the precise enforcement and carrying out of the same.

Given to:

The Minister of Foreign Affairs,

The Minister of Colonies.

Annex 89

SURVEY BY H.M.S. *EGERIA*, *THE BRITISH NORTH BORNEO HERALD*, 1 NOVEMBER 1892

THE *Egeria's* survey of Darvel and St. Lucia Bays having been brought to a conclusion, His Excellency the Governor suggested that some account of the work that had been done on these coasts would be *interesting* as a record. The following outline has therefore been drawn up with the object mainly of showing in a general way the degree of minuteness with which the survey was carried out, the position of the principal main trigonometrical stations forming the framework of the chart, the astronomical observation spots, and other details; which, although they appear on the original documents sent to the Admiralty, yet, being of no use to the Navigator, are therefore generally omitted on a chart in its published form on a much reduced scale. These particulars are included in the following sketch of the proceedings of the survey:—

The opening up of trade in Darvel Bay consequent on a great increase on the successful establishment of tobacco estates at Lahad Datu and on the Segama River, being followed by several cases of vessels grounding in these [illegible] waters, attention was thereby attracted to the almost totally unsurveyed condition of this portion of the territory under the rule of the British North Borneo Government. The facts being brought to the notice of the Hydrographer to the Admiralty through the repeated representations of His Excellency the Governor based on the applications of the ship owners interested, the prospects of still further development of the [illegible]-traffic appeared to require the employment of a surveying vessel on this coast to continue the survey of Lieutenant Commander R. F. Hoskyn, R. N. H. M. S. *Flying Fish* in 1879, and of Commander The Honble. F. C. P. Vereker, R. N. H. M. S. *Magpie* in 1888, and to fill in the work in detail from Dent Haven, the point to which it had been already carried, to the limits of the British Possessions.

H. M. S. *Egeria* under the command of Commander A. M. Field was accordingly ordered to undertake this survey, and she arrived at Sandakan on 14th March 1891. Remaining at that place for a week during which the necessary preliminary arrangements were completed as to the supply of coal for the ship whilst engaged on the survey, and interpreters having been obtained to communicate with the natives, the *Egeria* proceeded to Silam in Darvel Bay, active operations in connection with the survey being commenced at once.

The first difficulty that presented itself was to find a place suitable for measuring a base line on which to construct the survey. The densely wooded character of the country absolutely restricted the choice to the coast line and its fringing reef which in the vicinity of Silam is but narrow and the coastline indented, so that a straight line along which to measure for any considerable distance is out of the question. The line chosen finally was a distance of 3,417 feet on the coast-line fronting the village of Silam, measured by chain 3 times, the measurement agreeing within a few inches, which considering the fact that the greater part of the line was measured in the water was equally surprising and satisfactory. In a hydrographical survey however the scale being ultimately determined by the astronomical observations at the extreme ends of the survey, a strictly accurate measured base is not of vital importance, but in this case short as the base was, on comparing the final results by triangulation and by astronomical observations the difference only amounted to 120 feet in a distance of 50 miles.

The ship being now detained at Silam awaiting the arrival of the s.s. [illegible] with a cargo of coal, a plan of the harbour and its approaches on a scale of 4 inches to the mile was proceeded with, and trigonometrical stations selected for extending the triangulation. A party had already been detached on leaving Dent Haven where the ship had touched for a day to prepare for [illegible] trigonometrical stations) to erect a surveying mark on the summit of [illegible] Island, and also on the summit of Pulo Gaya, the latter being a very commanding station 1,000 feet high. Through the influence of Mr. Little the Government Resident at Silam, arrangements were made with the natives to clear the summits of Pulo Batik, a conspicuous island in the middle of Silam Bay and also that of Tabawan a high island about 25 [illegible] to see some distance.

The work of clearing the summits of these islands was extremely laborious and native labour for the purpose was quite indispensable. The size of the timber even at altitudes of 1,000 and 2,000 feet was very remarkable and added considerably to the difficulty of an accurate triangulation; the only naturally cleared spot in the whole survey was found at [illegible] Point at the east end of Timbu-Mata Island. Time being an object of extreme importance, it was essential to reduce to a minimum the number of elevated stations to save the delay involved by clearing.

Mt Madai on the south side of Darvel Bay, conspicuous by its white limestone cliffs, appeared an inviting spot on which to erect a station. Accordingly whilst the remaining officers were engaged at Silam Commander Field and Lieutenant [illegible] accompanied by Mr. Little and some of his Dyaks proceeded in the *Egeria's* steam cutter to the Sungai-Madai. Ascending that river as far as practicable for a distance of 2 or 3 miles, a native path leads from thence to the Birds-Nest Caves at Mt. Madai a walk of about 4 or 5 miles through the swamp and jungle. An attempt was made that afternoon to ascend the mountain but after clambering up the North Eastern face of Mt [illegible] which is a spur of Mt Madai, the ascent of that mountain appeared likely to involve too much time and it was therefore decided to make the station on Mt [illegible] at a height of only about 600 feet.

From this point a sufficiently good view is obtained but it is not conspicuous from Darvel Bay being backed by higher ranges. Camping for the night in the caves, the theodolite angles and sketch were obtained the next day, and Silam was reached late that night.

The plan of Silam being now well advanced and the ship coaled, on the 9th April the ship moved to an anchorage off the North East end of Timbu-Mata Island. From this anchorage parties were detached to clear the summits of [illegible] [illegible], and [illegible] Islands and arrangements were completed with the natives of the latter island to clear the summit of Pulo Gaya, on the highest tree of which a flag had already been placed.

The following week was devoted to obtaining the main angles at the principal stations with parallel stations for sketching in the various points. Pulo Batik, Tabawan, and Pulo Gaya formed the links of the chain on the south side of the Bay, whilst on the North side the stations selected were at intervals of about 8 to 12 miles on the coast-line, the easternmost being that on [illegible]. A series of complete triangles being obtained and subsidiary stations made for the south and west parts of the Bay, the ship returned to Silam on the 17th April to finish the plan of that harbour and to plot the data obtained.

From this anchorage the coast-line was marked by white flags at intervals of from 1 to 2 miles to afford a sufficiency of fixed points to enable the boats to fix the details of the coast and soundings. This system was pursued throughout, whenever the natural objects were either insufficient or too distant to ensure close accuracy. By the 25th April the survey having reached the limits to which it was practicable to work from Silam, the *Egeria* was moved to a more convenient anchorage off Sungai Madai.

A party being left camped on Pulo Batik (off the west end of Timbu-Mata) to finish that locality, on the 4th May the ship proceeded to extend the triangulation towards St Lucia Bay.

Anchoring off Si Amil Island a station was selected on the western shoulder of the summit and a sandy cay (Gusungan) at the southern entrance of Trusan Treacher was reached on the afternoon of the 5th. This cay it was decided to make use of as one of the principal observation spots of the survey.

Pairs of stars North and South of the zenith were observed by sextant and artificial horizon for latitude on two nights by two observers and time being also obtained by a reversed equal altitudes of the sun, the ship proceeded to run Meridian distances to Dent Haven, Sipankati Island and Silam. Leaving the Sandy islet on the 6th similar observations were obtained at Dent Haven on the 8th and 9th and on the North point of Sipankati Island on the 10th.

Whilst at the latter place a Spanish gunboat appeared and intimated his intention of hoisting the Spanish flag at Sikota, which he proceeded to do forthwith.

The necessary observations being obtained at Silam the Sandy cay was reached on the 12th and the chain of Meridian distances was then complete. Latitudes having also been obtained at all the observation spots (that at Dent Haven had been already determined by the officers of H.M.S. *Magpie* in 1883) a further check was afforded by the true bearing of Pulo Gaya from each of the three observation spots at Silam, Sipankati Id. and Sandy Islet (Gusungan). Lieutenant Dawson had meanwhile been detached to visit Pulo Gaya and Si Amil and these two stations in connection with that on Sandy Islet, a station on Mabul Island and another on Sipadan Island completed the chain of main stations, the whole being connected with a particular bush on the summit of Siglang Mt. visible from Silam and Pulo Gaya, and forming the pivot upon which the system of triangles turned. Mt Siglang standing some miles back from the coast, the dense jungle made it quite out of the question to visit it.

An hourly series of tidal observations day and night extending over a month was obtained at Silam and careful magnetic observations at Sandy Islet. The main triangulation being now complete embracing nearly all the area to be included in the first years work together with all the necessary astronomical observations, and Silam harbour and the south and west portions of Darvel Bay being surveyed in detail, the detached parties were picked up and the *Egeria* returned to Sandakan on the 19th May.

Whilst at Sandakan orders were received to ascertain in connection with Dutch officers, the exact position at which the parallel of 4°. 10 N intersects the coast on both sides of Sibattik Island and also on the mainland with a view to determining definitely the boundary between the territory of the B N Borneo Government and that of the Netherlands Government. For this purpose the Dutch surveying vessel Banda had been ordered to meet the *Egeria* at [illegible] and H.M.S. *Rattler* was also ordered to that place to assist in the exploration of the River Simengaris and trace its course as far as practicable. Leaving Sandakan on the 27th May and carrying a meridian distance to the observation spot on Sandy Id. the Darvel Bay survey was thus directly connected with the meridian of the old Government House flag staff, assumed to be in 118° 07'18" East Longitude. This direct measurement agreed within 1.5" of time with the meridian distance calculated through Dent Haven which place had already been connected with Sandakan by 'Commander' [illegible] in 1883.

In view of the probability of the site of the Government House being obliterated and the flagstaff removed, this flagstaff was connected by a small triangulation with the flagstaff at the present Government House which is situated S.73 W. (true) distant 1381 feet from the former.

The requisite observations being obtained at Sandy islet and a surveying party with three officers left at Pulahungan in the southern part of Trusan Treacher to continue the survey in the absence of the ship, [illegible] was reached at noon on 1st. June, the *Rattler* and H.N.M. Vessel *Banda* having already anchored there a few hours previously.

An observation spot near the N.E. end of Nanukan Id. having been selected, observations for latitude by stars North and South of the zenith were taken both on that and on the following night, *Rattler* in the meantime [illegible] to the entrance of the Simengaris River. The Dutch officers observed for latitude with the Alt. Azimuth and the English with sextant and artificial horizon, the results were found to agree very closely (within 7 seconds of arc) and the position of the parallel of 4°.10 N. was now calculated through a subsidiary triangulation. Temporary beacons being erected to mark the spots, the ships proceeded to the east side of Sibattik Id. to select an observation spot, the *Banda* following the next day.

Some difficulty was now experienced in finding a suitable place at which to observe, the coastline being mostly fringed by a mangrove swamp fronted by extensive mud flats dry at low water and on which walking is almost impossible. In Latitude 4.08'22" N however a sandy beach backed by high Casuarina trees afforded sufficiently firm ground and observations were obtained for two nights.

The exact observation spot is at a small stream the mouth of which and about 40 feet to the [illegible] of it is the trunk of a large tree imbedded in the sand at high water mark, and from it the summit of Mt. [illegible] (conspicuous by a tree which overtops all the others) bears North 29°34' East (true).

The Dutch officers observed about 1,700 yards further to the North. The final position for the boundary was obtained independently and through separate triangulations and the results by the English and Dutch observations differed only by 10 yards. The *Egeria* eventually erected a substantial wooden beacon to mark the spot which is also situated close to the mouth of a small stream. It is on the edge of the mangrove swamp about 300 yards to the North of the mangrove point which is seen from the observation spot already referred to, and [illegible] as the Eastern tangent of Sibattik Id. A careful sketch of the land opposite was made from the beacon with angles and bearings to identify the position at any future time, the results being forwarded to the Hydrographer. The observation spots on both sides of Sibattik Island were connected by meridian distances with the Darvel Bay survey.

Having satisfactorily carried out the objects of the expedition, the *Egeria* returned on the 11th June to Sandy islet in order to complete the chain of the meridian [illegible] observations, and afterwards to continue the survey, whilst the [illegible] re-joined the [illegible] at [illegible] back to explore the river and erect permanent beacons at the spots mutually agreed upon. The river exploration merely proved that the [illegible] was little more than a deep mangrove creek which terminated abruptly a few miles from the mouth. The utmost cordiality and good feeling existed between the English and Dutch officers whilst engaged on this service, and the ships parted with mutual regret.

The *Egeria* continued to prosecute the survey until 27th June, extending the triangulation westward as far as Wilhelm Reef. Only one river of any considerable size empties itself on this coast. This the Kampong River, with Kampong Kampong island at its entrance, was explored by the steam cutter to a distance of 9 miles in a direct line from the mouth where it was found to become so narrow that the trees were interlaced overhead and the boat could barely turn, although there was still a depth at that point of 2 to 3 fathoms; the water was quite fresh. The banks are low and lined with Nipa palms above the mangrove-swamp which extends about 2 miles from the coast. In the upper reaches of the river the banks [illegible] steep [illegible] low red earth cliffs were passed. The Kampong River appears to drain a considerable tract of country, the [illegible] Peak Range forming the Eastern side of the valley which is 7 or 8 miles broad and Mt [illegible] with its spurs stretching away in a North [illegible] direction, forming the west side. At the head of the valley the mountains on the south side of Darvel Bay 20 miles distant are plainly recognizable. From the appearance of the topography however although this valley seems to stretch to the North-Westward behind the Darvel Bay mountains, it is improbable that it extends to a greater distance than 20 or 30 miles from the coast [illegible] Louis Bay.

Up to this time the weather had been exceptionally favourable for surveying operations. During April and May little or no rain had fallen and although the heat of the sun was fierce and especially trying when ascending hills and cutting timber yet the ship's company's health was everything that could be wished for. No cases of fever occurred, and with the exception of a few [illegible] of [illegible] there was practically no sickness on [illegible] whatever. Fruit and vegetables were however very difficult to procure and the inhabitants appear to cultivate such things to a very limited extent. The villages are but few in number, and the people are said to [illegible] the depredations of the pirates that used to infest the coast. The [illegible] being now denied them they appear to live principally by fishing, cultivating no more ground than is absolutely necessary for their own immediate wants. It is with great difficulty that they [illegible] be induced to do any work such as cutting timber, [illegible] expect a most preposterous remuneration for doing what they undertake.

On the North shore of Darvel Bay, in the vicinity of [illegible] is the only cluster of villages, of which there are [illegible] of them. Except the settlement of Silam, [illegible] the only other natives of Darvel Bay are to be [illegible] in the islands of Bohayan, [illegible] and [illegible]. The last named island and [illegible] close to it do afford some small supplies of fruit, [illegible] being especially plentiful. Fresh [illegible] [illegible] by [illegible] [illegible] trading between Sandakan, Lahad Datu, Silam and Simporna brought cattle for the [illegible] very irregularly, and the masters of these vessels in every [illegible] most courteously went out of their way to communicate at various times. Most of the smaller islands off the coast form the resort of wild pigeons in great numbers, particularly Mabul Island and [illegible] occasionally [illegible] the more [illegible] of the islands.

After a very enjoyable stay of a fortnight in Sandakan, the *Egeria* proceeded again to Darvel Bay on the 14th July to complete the year's work, the limit of time at present available for the Borneo Survey having been nearly reached. The weather now began to be more unsettled, and heavy rain squalls with strong breezes, in the early morning and afternoon being not unfrequent, but being of short duration the work was not seriously impeded thereby.

The survey had already been carried as far west as *Egeria* shoal, and several new reefs and one or two dangerous pinnacle rocks had been discovered. The Mabul passage through the reef west of the island of that name had been examined and a clear channel established to the north of the Ligitan Group up to [illegible] Island. The survey was now continued from that point to meet the work which had been carried from Silam along the South coast of Darvel Bay as far as Timbu-Mata island and which had been there suspended by the ships departure to Sandakan in May. The natural objects being so numerous and so well defined as landmarks, and both the main and secondary triangulation having already been completed, the work of filling in the detail of the coast-line and soundings proceeded very rapidly. The various rivers emptying themselves into Trusan [illegible] behind Timbu-Mata island were examined and their courses traced as far as the steam cutter could ascend, but they present no special points of interest. Trusan [illegible], with its creeks and islands, was also examined, but its shallow waters prevent any vessel larger than a launch using it. The north shore of Timbu-Mata has numerous bays and deep indentations in its coast-line, but none fit for ships to anchor in, one and all being much encumbered by patches of reef and dangerous rocks. Trusan Treacher was found to be a good navigable channel, the tide, however, runs with great velocity through [illegible] to 4 knots and the edges of the reefs on either side are not always clearly to be distinguished by eye. It therefore requires some caution in navigating it. Every care was taken to ensure that no shoal in any part of the survey should be omitted and any indication of irregularity in the bottom was examined, whilst the ship was constantly sweeping and examining the areas sounded by the boats to make doubly sure that nothing might be omitted, the view obtained from the masthead being occasionally valuable, especially in certain lights in discovering a [illegible] danger which might possibly be missed by a boat and give no indication of its existence by the surrounding soundings.

Notwithstanding these precautions it must ever be borne in mind that no coast survey on such a scale as one inch to the mile, which may be said to be the usual scale for a survey of this description, can make absolutely certain that no danger may remain undetected. It is difficult for those unacquainted with the amount of time and patience required to find a rock to realise that a far larger scale than that which it is usually practicable to employ upon a coast survey, is necessary to detect such a danger [illegible] upon which the [illegible] for instance foundered some two or three years ago in Torres Straits, the circumstances of which disaster will probably still be fresh in the minds of most people.

It cannot therefore be too strongly impressed upon all navigators that however closely a chart may appear to have been sounded there is yet usually room for a danger to make its appearance between the lines of soundings without in some cases showing any indication of its existence. In the present survey there were at least three such instances, the dangers being eventually discovered by what appeared to be at the time the merest accident.

In connection with this subject also, the least depth of water that is shown on a shoal should never be implicitly and blindly relied upon. Few things amongst the qualifications of a hydrographical surveyor require more skill and experience than the art of properly defining a shoal; it would be rash therefore to assume that all shoals are equally minutely examined, and a shoal with three to five fathoms shown on it is better left on one side as a matter of prudence especially in coral waters.

That these remarks are not altogether uncalled for is shown by at least two incidents that have occurred to vessels navigating in the Malluwallie Channel and elsewhere.

As regards the topography the densely wooded nature of the country and its impenetrable jungle render any accurate delineation of its features quite impossible. All that can be attempted in this direction is to fix correctly the various summits of all conspicuous spurs and knolls as seen from the ship or boats or from any elevated stations affording a good view. The height of these fixed peaks can then be calculated and the details sketched in by eye, the watersheds being placed in their most probable positions and the rivers or streams sketched likewise.

In this manner the topography was sketched to a distance in some cases of twenty miles from the coast and everything visible from the sea has been fixed. Some of the more conspicuous of these distant peaks may eventually be useful to future explorers in the interior and serve to fix their position and thereby present reliable data for the improvement of the map of North Borneo.

Magnetic observations were obtained at Silam; the latitude and longitude of the Residency flagstaff at Silam was also determined and the position is cut upon a stone slab placed by the British North Borneo Government at the foot of that flagstaff. The tidal datum is also referred to a bench mark ⩚ thus, cut on the flagstaff a few inches from the ground, and the height of which above the level of the stone slab will doubtless be registered by the Government for future reference.

Full details of all astronomical observations and tidal observations together with their diagrams are all lodged in the Hydrographic office at the Admiralty. A comprehensive triangulation sheet giving the precise positions of all the main triangulation stations, the calculated distances of all the sides of the triangles together with the observed and adopted angles of the triangulation also accompanied the completed charts for the year. The theodolites used were 5 inches in diameter reading to minutes, estimating to half minutes, the angles being repeated on different parts of the arc to eliminate centring error. Heliostats were used up distant stations. True bearings were various main stations, and the results lines and true bearings were harmonised by direct astronomical observations by the elaborated by the late Vice Admiral P. F. In the four months upon which the *Egeria* was employed on the Darvel Bay survey in 1891, 400 miles were sounded over and 87 miles of coast-line examined and charted in detail. The scale adopted one inch to the nautical mile.

The survey of the South coast of Darvel Bay extending from Silam in the North-west to Richard's (some 8 or 10 miles to the northward of Pulo thence by the Eastern side of Pulo Gaya on to St Island and stretching to the westward as far as shoal including Sipadan Island was completed on 16th August when the ship returned to Sandakan finally left Borneo waters on the 27th *en route for* spore.

During the various visits in the progress survey, to Sandakan, the residents, headed by the ing Governor (Mr. L. P. Beaufort) and Mrs. united in their endeavours to render the stay *Egeria* whilst in port agreeable to both officers and able. The pleasant dances at Government House the cordial and hospitable welcome always them there; the forest rides and picnics varied by and rifle matches; will always remain in the the officers, as very pleasant memories of the they experienced at Sandakan.

The *Egeria* returned to Sandakan to survey of Darvel and St Lucia Bays on the 20th 1892, and after a stay of a few days proceeded to Datu, when the survey of the North coast of was taken up at the point which was reached last

A succession of heavy rains however materially peded the progress of the work. Fortunately all main triangulation having already been completed time was fruitlessly expended in waiting for weather for that purpose, and in spite of the few days were wholly wasted. Good Friday and Sunday were pleasantly spent at Lahad Datu where and Mrs. Vosprych hospitably entertained the officers the tobacco estates at that place and on Segama were visited. The Segama and Tabin-bukan were also explored as far as the steam cutters could cend, a distance of 12 miles up the latter river. Owing to the exceptional and continuous wet weather had prevailed for a considerable period, the tobacco estates had been much hindered as it was quite possible to burn off the debris on the newly cleared for planting, and the prospects at that time appeared be anything but cheering.

Although it was not considered necessary to a large scale plan of Lahad Datu, that port and its proaches were nevertheless closely sounded on the inch scale. Landing at Lahad Datu is extremely inconvenient owing to the large expanse of reef fronting which dries at low water and no jetty has yet been structed. From Darvel peninsula to the eastward marks along the shore were now fixed by means of the ship, which it was necessary to introduce into the secondary triangulation for the first time.

By the 20th April the survey of the South coast had proceeded nearly as far as [illegible] Point and parties were detached to mark the coast from thence eastward. The part of the coast, up to Dent Haven and including the islands of [illegible] and those eastward of it, it was decided to chart on a scale of ½ inch to the nautical mile.

An open and gradually shelving coast with no outer bottom rendered the smaller scale quite sufficient for practical purposes. The astronomical position of the observation spot at Dent Haven having been already determined, the true bearing of Silam Peak from the ship at anchor off that place (deduced from simultaneous angles to the ship from points on the plan of Dent Haven) gave nearly a rectangular cut with the true bearing line to Silam Peak from Pulo Gaya and the astronomical position of Silam was thus accurately determined. By means of true bearings of Silam Peak and Pulo Gaya from various stations along the coast at intervals of about 10 miles these stations themselves were fixed and the intermediate marks along the coast cut in by the ship at anchor.

Eastward of the [illegible] River lies Darvel Peninsula, which is a long and low promontory intersected by deep mangrove creeks; the largest of these creeks were all traced as far as the steam cutters could go, but none of them were found to communicate with the [illegible] River.

From the [illegible] estate roadways have been cut through the jungle for surveying purposes, one of these roadways running North and South starts from a creek at the head of the bay immediately westward of Darvel Peninsula and joins the main roadway running East and West from the estate. Mr Kennedy manager of the estate kindly furnished the measurements, thereby affording an excellent check on the position of the points as already laid down by following the course of the river.

There are no rivers of any considerable size on the North shore of Darvel Bay, the [illegible] range from which all the streams hereabouts take their rise being comparatively near the coast.

From [illegible] Eastward along the coast to Tanjong [illegible] several head of deer were shot at different times by the sportsmen of the ship; the [illegible] are particularly good eating.

A shoal with 3½ fathoms on it reported by H.M.S. "[illegible]" and [illegible] up was searched for over a large area for many days without success.

The only off lying danger that could be detected was the [illegible] shoal with 14 feet on it 3.5 miles South of [illegible] Point. From this shoal Pulo Gaya bears [illegible] and it is remarkable that the "[illegible]'s" bearing of Pulo Gaya is given by her was S. 17 W. If a clerical error is assumed the two shoals may very possibly be identical. The north coast being completed the Egeria returned once more to Sandakan and remained there for nearly a fortnight to clean boilers.

Resuming the survey on the 6th June the islets and reefs between [illegible] and Pulo Gaya were examined and [illegible] on an extensive bank of soundings [illegible]. The direct route from Dent Haven to [illegible] St. Lucia Bay crosses this bank; although by no means altogether free from outlying dangers, yet they are easily avoided with the help of the chart as the islets are admirably adapted for fixing the ship's position at any part of the route.

The secondary triangulation of this area (on the half inch scale) was carried out from the ship altogether, stations on shore being dispensed with as unnecessary, and due care being exercised, the result was found to be entirely satisfactory.

[illegible] Bank was found not to exist in the position assigned to it on the old chart; the whole of this part being in fact quite unknown until now.

[illegible] Id. with its approaches North and South between the reefs, was laid down sufficiently for all navigating purposes, although not in minute detail, being outside the strict limits assigned for the survey. The channel eastward of [illegible] was also sounded, the depths there being interesting from a scientific point of view.

The soundings of 500 (no bottom) which appear on the old chart viewed in the light of the *Egeria's* positive soundings were there quite open to doubt as no such depth was reached by her.

By the 1st. July the survey was complete to the extreme western limit of last years work, and it became necessary to extend the main triangulation eastward to Sebatik Id. and Tawau. This was effected by the help of Mt. Magdalena, the summit of a hilly range running in a North and South direction and presenting a very remarkable sharp peak from all views. To visit this peak was of course under the circumstances of the survey quite impossible, but to obtain an accurate knowledge of the topography of the country such a visit would be invaluable. This mountain, visible from all the main stations in the North-east part of Darvel Bay, and also from the main station on the sand cay on [illegible] Reef (the continuation of the Ligitan Reefs), was fixed with ease and absolute precision.

A theodolite station on the summit of Mt [illegible] 200 feet from the highest top (to which all the angles are reduced) from which both [illegible] Reef and Mt Magdalena are visible, a second theodolite station on a clear rocky summit on the [illegible] Ridge about one third of a mile South of the first station, and the observatory station of last year on the East coast of Sebatik Id. afforded data from which a comprehensive scheme could be constructed. The second station on Mt [illegible] was necessary because the observatory could not be seen from the first and Mt Magdalena could not be seen from the second.

The latitude of the Sebatik Id. observatory having been accurately determined in 1902, and this observatory being almost due South from Mt Magdalena (whose position was determined by the triangulation), the distance of these two points was now found quite independently and compared with the same distance derived from the Darvel Bay base carried through the whole system of triangulation, affording a valuable check on the accuracy of the whole work. The comparison stands thus.

Distance Mt Magdalena to Sebatik Observatory.

By Darvel Bay base carried through triangulation.	31.7[illegible] miles.
By difference of Latitude and its Bearing.	31.[illegible] „
Discrepancy.	[illegible] „
	[illegible] feet.

The intermediate coast marks were all fixed from the ship at anchor in different positions. The triangulation completed the soundings were extended to complete the whole of the approaches to Tawau to within 7 miles south of the Unsang Bank. Several new dangers were discovered on the North side of St Lucia Bay the most important being Hand Rock at 13 miles E.S.E. from Batu Tinagat the soundings were taken out to the 1,000 fathom line.

On the 19th July the ship again returned to Sandakan. Leaving on the 21st. the Royalist Rock a mile to the SW of Nymphe Reef (a serious danger to local traffic) was verified and fixed. The Sentry Bank off Dent Haven (sounded by the new submarine sentry on the *Egeria's* last passage to Sandakan) was next examined, then a new bank to the north west of it reported by the s.s. *Normandy*, and finally the Sunday Bank. These banks having no dangers on them are very useful aids to Navigators at night or in thick weather. They happen to be most conveniently situated and by getting soundings on them course may be shaped with a confidence which would otherwise be misplaced in view of the strong currents that prevail in that locality.

The examination of these banks occupied the *Egeria* for nearly a week and it was not until the 8th August that she reached Batu Tinagat at which place the series of tidal observations broken by the visit to Sandakan was now resumed. On the 18th August the detailed work being completed to the north of Tawao and the coastline on both sides for twelve miles further, the Dutch chart appearing quite sufficiently accurate for all practical purposes the ship moved to an anchorage off the N.E. point of Sibitik Id. and the following day at daylight both steam cutters left to explore Kalabakang River and the neighbouring creeks. After some little delay in finding the true river a run of 26 miles by patent log brought the boats to an impassable barrier in the form of shallow rapids. The river up to this point had been from 30 to 40 yards broad and 3 to 6 fathoms deep. The last 2 or 3 miles the banks were becoming steeper. It is very free from snags and Nipa palms line the banks above the mangrove belt which extends 4 miles from the coast. The water was quite fresh at 6 miles from the mouth.

At 3 miles below the place at which the boats were stopped there is a considerable clearing. Native houses line the banks on both sides of the river, the bends of which here re-curve back on one another to form the letter S. The water from the appearance of the banks was exceptionally low, and possibly at another time there would be no difficulty in ascending much higher.

Further progress however being barred at present, the boats returned to the ship by noon the following day and the survey being now accomplished Sandakan was reached on the 21st August.

From the topographical sketches that have been made during the late survey it has been found feasible to plot some of the more conspicuous mountains many miles distant from the coast, amongst them being Mt. [illegible] and Mt. [illegible] of Messrs [illegible] and [illegible]'s expedition. From Mr. [illegible]'s beautifully executed sketches taken from the top of these mountains and courteously lent by him to Commander Field, there is no difficulty in identifying the various peaks of the Darvel Bay survey, and assimilating to a certain extent the topography as sketched from the sea and from Mr [illegible]'s stations. A chart on a scale of a ½ inch to the mile is in course of preparation on which the combined data is plotted.

The mountain summits which are sketched [illegible] considered as practically correctly placed, and [illegible] that future expeditions having some definite points to go by may find it practicable to [illegible] knowledge of the topography of this region and [illegible] large blanks that are still unavoidably left.

The following statistics of the survey [illegible] be of interest:

[illegible]

The surveying staff employed in the survey consisted of 1 Commander in charge of survey, [illegible] ants, 1 Gunner; the ships company [illegible] officers and men.

The *Egeria* arrived at Sandakan from St Lucia [illegible] for the last time on 21st August [illegible] and after [illegible] examined some shoals in the Malluwalli Channel [illegible] was with much regret that the time had now come [illegible] was necessary to say good-bye to those kind friends [illegible] had been instrumental in making the *Egeria's* [illegible] pleasant during the two seasons spent in Borneo [illegible]

On the evening of the 29th August the ship [illegible] ally left Sandakan to proceed to Singapore to take [illegible] other work.

A. M. [illegible]

(Copy)

Annex 90

NOTES MADE BY THE CAPTAIN OF THE *EGERIA* DURING SURVEY IN 1892

[illegible] existing bank appearing [illegible]

[illegible] free from [illegible] the obstructions of any kind.

There were no signs of natives or inhabitants. From the appearance of the topography there [illegible] a considerable area of [illegible]

Ligitan Group — Is the name given to the group of reefs and islets lying off the south coast of [illegible] Bay extending over a distance of [illegible] miles East and West from [illegible] Island to [illegible] Island and [illegible] the Dampier [illegible] [illegible] the Channel. The [illegible] appears to be studded with [illegible] some of them being [illegible]

The [illegible] of the [illegible]

and on the north side the [illegible]

to [illegible]

to [illegible]

[illegible] with its depth about [illegible]

[illegible] Island [illegible] in the [illegible]

[illegible] from [illegible] Island distant about 7 [illegible] miles. [illegible] distant [illegible] miles from the [illegible] direction and [illegible]

O.D. $\frac{E.A.}{8.}$

OD 187

Eastern Archipelago.

H.M.S. Egeria:- Commander A.M. Field. 1892.

Borneo N.E. Coast:- Darvel Bay;
Sibuko Bay; Fredrich Haven to Sebattik Id; Shoals.

H.M.S. Egeria.- Commander Oldham. 1890.

Torres Strait to Singapore:-
Search for reported dangers.

(49)

occasionally a red earthy bank appearing on one side with swamp on the other.
The river was singularly free from snags or obstructions of any kind.
There were no signs of natives or inhabitants.
From the appearance of the topography this river must drain a considerable area of country.

Ligitan Group Is the name given to the group of reefs and islets lying off the north coast of Sibuko Bay extending over a distance of 18 miles east and west from Si Amil Island to Mabul Island and separated from the Bumpot and Creagh reefs by the Ligitan Channel.
The space included within its limits appears to be studded with reefs some of them being of large extent with deep channels between.
The western and south eastern limits of this group of reefs have not yet been determined and on its north side the outermost reef only has yet been delineated but there would appear to be no necessity whatever for vessels to entangle themselves in the group as there is nothing to be gained by passing through it.
The group appears to be triangular in shape with its apex about 10 miles to the southward of Si Amil Island. There is a small islet with a few bushes on it standing on the reef S & E from Si Amil Island distant about 7 or 8 miles. Reefs extend 6 or 8 miles from this islet [redacted] in a south easterly direction and it appears to be connected by

by a reef to ~~Danawan~~ Panawan. This reef is dangerous, as there are no symptoms except breakers about one mile eastward of the islet.

On the SW side of the group foul ground also extends half a mile from the actual edge of the reef and does not shew well.

There is another small low islet with trees 110 feet high on it three quarters of a mile inside the south-western edge of the reef situated 3½ miles SE^{b}E ¾ E from Mabul Island.

Si Amil Island The N. easternmost of the group, is half a mile in extent, wedge shaped in appearance the summit being 355 feet high and thickly wooded. It is situated 8¾ miles SE from Omadal Island and bears S 27 E 19·89 miles from the summit of Pulo Gaia. There is a sandy spit on its western side. Off the NW point reef extends for two cables leaving a passage two cables wide between it and the reef upon which Panawan Island stands. In the valley on the west side between two spurs running down from the summit, there are numerous mango trees, but otherwise the island is uncultivated and uninhabited.

Panawan Island lying half a mile south westward of Si-Amil Island, is low and flat topped. There is a village on its western side and the island is wooded and cultivated with yams and sweet potatoes. Mangoes and bananas can also be

(54a)

strength of 1 to 1.5 knots per hour at springs

Sipadan Island A small islet situated 7¾ miles south from Mabul Island. It is wooded, the tops of the trees being 150 feet high, and stands on the NW side of a reef one mile long North and South, with 20 to 30 fathoms close to the reef, and dropping down into depths of over 200 fathoms at one third of a mile from the island.

Turtle frequent this island in considerable numbers.

Approaching from the Eastward, Sipadan Id should be kept to the westward of west, as the extent of the reefs to the east of it has not been determined.

Ligitan Reefs Are a series of detached reefs with shoal water between them fronting the North coast of Sibuko Bay at a distance of 5 to 6 miles from the shore. On the outer side they drop steeply down to deep water. They extend from the Mabul passage for a distance of 9 miles to the Westward.

Near the centre of this line of reefs there is a break in their continuity 2 miles wide, and through the western side of this opening there is a Channel which, although not closely examined, appears from the soundings to be navigable.

The West extreme of Silungan Island bearing N¼ West in line with Mt Sinalong, and midway between the two peaks of

Enclosure
to J [illegible]
18[illegible]

Sailing Directions

Darvel Bay
Sibutu Id. to Ligitan Group

H.M.S. Egeria

1892

Reef, and care is necessary in rounding & to avoid being set too near the edge – The channel between it and Balipatani Shoal to the westward is 1½ miles wide.

Mabt Shoal situated 5½ miles North from Si Amil Id, nearly midway between that island and the Southern end of the reef on which Pulo Pasir stands, is a Coral shoal nearly one mile in extent, with irregular soundings on it of from 7 to 13 fathoms. The shoalest water that was found on the bank is a 5 fathom patch near its Southern end, but it was not examined with sufficient minuteness to justify ships crossing it –

Ligitan Group (See from M.S. Books for 1892 Consult & substitute the following:) It is the name given to the group of islets and reef lying off the North Coast of Sibuko Bay, extending over a distance of 15 miles east & west from Si Amil Id to Mabul Island, and separated from the Bennett & Creagh Reefs by the Ligitan Channel –

√

The space included within its limits comprises on the eastern side an extensive reef, roughly triangular in shape, the Southern end of which stands Danawan Island – From this island the reef extends in a S.S.E.ly and Southerly direction for 10 miles, terminating in

las

eastward in the form of a horn off which the water is shallow half a mile outside the edge of the reef on which the sea breaks heavily, and along which there are tide rips and overfalls. The water being rather considerably discoloured & the examination of the edge being of necessity an open nature, the reef should not be approached very closely.

Near the southern end of the reef and situated S.½E. distant 9 miles from Si Amil Id., there is a small islet called Ligitan Islet, with a few bushes on it 30 feet high, and there is a sand bank that dries 3 feet at 2¾ miles to the northward of the islet.

Off the southern end of the reef there are very heavy tide rips and overfalls, and the tides run [illegible] with great force; caution should therefore be exercised in approaching the point of the reef, especially as the objects for fixing the position are distant.

Northward of Ligitan Islet, the reef forming a deep bight takes a westerly direction for 8 miles to its south western extremity, where it trends to the north eastward to Danawan Island.

Foul ground & shallow water extend for 2½ miles westward of the S.W. extremity of this large reef, and as it does not generally break, it is occasionally difficult to distinguish

the

edge of which trends in a W.N.W. direction towards Batu Tinggi, and its southern edge taking a S.E. easterly direction gradually curves round to the South & East, approaching the Coast to within a distance of 2 miles off the mouth of Balung River.

√ The five fathom line from a similar elbow at 2 miles to the Southward of English Spit, and trending to the Southward about the Coastline off Balung River at a distance of 2½ miles, which it maintains until it again begins to protrude off the mouth of the Kampong River.

Swirl Patch Is a narrow patch a quarter of a mile long, east & west having a least depth of 13 feet on a Sandy bottom near its western end, lying 1½ miles from the Coast between Batu Tinggi & Tanau.

From the Shoalest spot, Mt Putri bears S. 38 E. distant 1½ miles, and Mt Kalimon S. 86 W., with the east summit of Saddle Hill in line with Batu Tinggi N. 68 E.

This patch makes itself visible by the swirl and eddies of the tide over it, it has depths of 6 to 7 fathoms all around.

Sebattik Island. The south east and east coast of this island was alone surveyed by the "Egeria". It lies in the north-east part of Sibuko Bay, the boundary line between British & Dutch territories on the parallel of 4°10'N. passing nearly through its centre. It is 20 miles long, in a N.W.b.W. and E.S.E. direction, by about 9 miles broad, separated from the mainland to the north west by a strait 4 to 5 miles wide, but to the south western there is only a narrow channel half a mile in width dividing it from the Sedong bottom on the mainland. The whole of the southern Coast is fringed by mangrove swamps, but on the east point of the island there is a break in the continuity of the mangroves, revealing a grassy point of land with reddish coloured earth cliffs, protected by a sandy beach of which [illegible] flat [illegible] for some distance. A range of hilly [illegible]

the

the [illegible] in a N.W by W½W and S.E by E½E direction the summit of which the culminating 1500 feet [illegible] is situated near the west end.

[illegible] Peak 882 feet high is a somewhat conspicuous summit as viewed from any direction to the Southward of north west, but is less remarkable from other points, and is situated near the eastern end of the island.

Saima Head Is a mangrove point on Sebattik Island immediately opposite to Tawao on the other side of the Strait, from which it is 3½ miles distant.

It forms the north western limit of the [illegible] bay of this coast. The mud flats off the shore, which skirt closely the mangrove edge, begin trending outwards as the coast trends to the South eastward for 4½ miles to East Point.

Sand Bank At 4[illegible] miles N.N.E. from Saima Head there is a small sand bank that dries 6 feet at low water, with deep water between it and the shore.

East Point Is a rounded point with a hard sandy beach, backed by high casuarina trees.

Southward of this point the sand and mud flats [illegible] off to a distance of 1½ miles, but they are not so steep as the fine mud flats further to the northward.

Boundary Beacon At 1½ miles S.E. from Saima Head, a wooden beacon was erected on the edge of the mangrove swamp by H.M.S. Egeria in 1891, to mark the [illegible] spot where the parallel of 4°10' meets the coast; its position having been determined by joint demarcation on the part of British and Dutch officers.

This beacon has since been removed but the spot is marked and it is intended by the British North Borneo Government to place a substantial pillar to [illegible] the spot.

Sand Bank At 1½ miles northward of East Point, and one mile from the coast, there is a sand bank which dries up at [illegible], being separated from the mud flats fronting the shore by a shallow channel.

The same 6 fathom lines pass close outside this [illegible] and the edge of the shallow mud is very steep all along this shore from [illegible] to about East Point, shoaling from [illegible] within a very short distance.

Stone Point From East Point the coast [illegible] trends to the southward for 3½ miles to Stone Point, forming a slight bay. The sandy beach in the bay is backed by red earth cliffs, from 20 to 30 feet in height. The country behind is low and densely wooded. Off Stone Point there are several patches of rocks that dry at low water, and at 1½ miles to the southwestward of Stone Point there is a small islet close to the coast which ~~from thence~~ trends in a south[illegible] and westerly direction for 3 miles to the south [illegible] of the island.

Dutch 5 Eastward of Stone Point the 3 fathom [illegible] [illegible] [illegible] to a distance of 6½ miles from the [illegible]

[illegible] the extremity of [illegible]

Annex 91

CONVENTIONS BETWEEN THE GOVERNMENT OF THE NETHERLANDS EAST INDIES AND NATIVE PRINCES IN THE EAST INDIAN ARCHIPELAGO COMMUNICATED BY BARON VAN GOLTSTEIN 26 FEBRUARY 1895 (ENGLISH TRANSLATION)

[This Document is the Property of Her Britannic Majesty's Government.]

Printed for the use of the Foreign Office. May 1906.

CONFIDENTIAL.

(8807.)

Conventions between the Government of the Netherlands East Indies and Native Princes in the East Indian Archipelago.

(Communicated by Baron van Goltstein, February 26, 1906.)

(TRANSLATIONS.)

MANGGING AND BAOEËH.

DECLARATION AND CONFIRMATION.

Declaration.

I, THE undersigned Toekoe Gih, Rajah of the territory of Mangging and Baoeëh, do solemnly make the following promises:—

1. I declare that the territory of Mangging and Baoeëh belongs to the possessions of Netherlands India, and that I consequently acknowledge Her Majesty the Queen of the Netherlands, represented by his Excellency the Governor-General of Netherlands India, as my lawful Superior, in token whereof no other flag than that of the Netherlands shall be carried by myself or my subjects either by land or sea.

2. I will rule my country with justice, will maintain peace and order, both at home and with my neighbours, and promote the welfare of my people to the best of my power by protecting trade, industry, agriculture, and navigation.

3. I will oppose with all my might the Slave Trade, as also kidnapping and piracy.

4. I will hold no political communications whatever with foreign Powers; the enemies of the Netherlands shall be my enemies, and the friends of the Netherlands shall be my friends.

5. The taxes now existing in my territory shall not be raised nor lowered, and new ones shall not be introduced, unless with the sanction of the Representative of the Netherlands Indian Government in Atjeh.

6. The Netherlands Indian Government has the right to take over from me, in exchange for an equitable indemnity hereafter to be determined, the revenue in my territory arising from the import and export duties.

7. The Netherlands Indian Government has the right to introduce into my territory the farming of opium and other articles, and to draw the revenue arising therefrom. I bind myself to make over to the Government, in exchange for an equitable indemnity, the now existing farming of opium and that of gaming-tables whenever the Government thinks it necessary.

8. I will pay over to the Netherlands Indian Government in like manner as my predecessor the portion of the revenue of my territory which, according to ancient custom, was paid over to the former Atjeh Princes.

The manner in which that tax shall be collected will be hereafter determined.

Confirmation.

Whereas, in the place of Datoe Maharadja Dinda Hassan Oedin, Sultan of Goenoeng-Taboer, deceased on the 21st October, 1882, according to the institutions of the country Si Atas, son of the aforesaid late Sultan, has been chosen as Ruler, and by Decree of the 20th June, 1883, was already recognized as successor to the authority.

And whereas the aforesaid Si Atas this day, the 23rd June, 1883, in presence of me, Adolf Marcus Joekes, Resident of the South and East Division of Borneo, has solemnly sworn and in my presence has sealed and signed the Contract affixed to this document.

The aforesaid Si Atas is by me in this document, subject to the approval of the Governor-General of Netherlands India, in the name and on the part of the Netherlands Indian Government, solemnly confirmed in his dignity of Sultan of Goenoeng-Taboer, under the name and title of Mohamad Siraoedin.

In token whereof a copy of this document, as also of the aforesaid Contract in writing concluded by him, shall be handed to him after having been provided with a certificate of the approval and confirmation of the Governor-General.

Done at Goenoeng-Taboer on the day and in the year aforesaid.

(Signed) JOEKES,
Resident of the South and East Division of Borneo.

(Seal and signature of Mohamad Siraoedin, and signatures of his Grandees.)

This Contract and this confirmation are approved and ratified this day, the 30th November, 1883.

(Signed) VAN DER WIJCK,
Governor-General of Netherlands India.

By order of the Governor-General:
(Signed) SWEERTS,
General Secretary.

A correct copy:
(Signed) COHEN STUART,
Government Secretary.

Correct copies:
(Signed) A. E. ELIAS,
Secretary-General in the Ministry of the Colonies.

BOELOENGAN.

SUPPLEMENTARY CONTRACT.

Supplementary Contract with Boeloengan.

WHEREAS it has seemed desirable, as regards Article XIII of the Contract concluded on the 2nd June, 1878, between the Government of Netherlands India and the Ruler and Grandees of Boeloengan, which was approved and ratified by the Governor-General of Netherlands India on the 18th October of that year, to amend it in the sense that the right to grant permissions to search for mines and Concessions for mining operations in the territory of Boeloengan, shall rest exclusively with the Government of Netherlands India.

This day, therefore, the 19th June, in the year 1893, subject to the approval of his Excellency the Governor-General of Netherlands India, and in the name of the Netherlands Indian Government, the following Article is agreed to between us, Adolf Marcus Joekes, Resident of the South and East Division of Borneo, and Mohamed Alimoedin, the Ruler and the Grandees of Boeloengan.

ARTICLE.

The right to grant permission to search for mines and Concessions for working mines in the entire territory of Boeloengan rests exclusively with the Government of Netherlands India. The half of the excise and tax to be levied by the Government for the Concessions shall be made over to the native authority of Boeloengan.

The Government of Netherlands India reserves to itself the right to originate and carry on for its own benefit the search for mines and mining operations in the territory of Boeloengan, with reservation of reasonable compensation to those entitled to it.

Agreed to on the day and in the year mentioned, at Boeloengan, drawn up in quadruplicate, and signed, sealed, and solemnly sworn to by the Ruler of Boeloengan, Mohamed Alimoedin, and by his Grandees, in the presence of me, Adolf Marcus Joekes, Resident of the South and East Division of Borneo.

(Seal and signatures of the Sultan and Grandees of Boeloengan.)

(Signed) JOEKES,
Resident of the South and East Division of Borneo.

This Contract is approved and ratified this day, the 4th October, 1893.

(Signed) C. PIJNACKER HORDIJK,
Governor-General of Netherlands India.

By order of the Governor-General:
(Signed) Swieten,
General Secretary.

Correct copy:
(Signed) Cohen Stuart,
Government Secretary.

Correct copy:
(Signed) A. E. Elias,
Secretary-General in the Ministry of the Colonies.

TERNATE.

Supplementary Contract.

Supplementary Contract with Ternate.

WHEREAS it has seemed desirable to revise the provisions that regulate the granting of mine Concessions in the Sultanate of Ternate.

This day the 20th July, 1893, subject to the approval of his Excellency the Governor-General of Netherlands India, and in the name of the Netherlands Indian Government, between us:

Jacob Rosenbach, Knight of the Military William's Order, fourth class, and of the Order of the Netherlands Lion, Resident of Ternate; and

Amsoelham Tadjoel Mahsoel Bisajatilkahilasoe Siradjoel Moelki Amiroeddin

BOELOENGAN.

Delimitation of the Territory.

Description of the Boundaries of the Territory of Boeloengan, and List of the Islands belonging thereto.

THE boundaries of the territory of Boeloengan are:—

1. As regards the territory of Goenoeng-Taboer: the River Karang Tigau, from its mouth to its source, furthermore, the Batoe Boeskie and the Palpakh Mountain.

2. As regards the States in the Island of Borneo, under British Protectorate: a portion of the frontier-line as agreed on, between the Netherland possessions on the Island of Borneo and the States on that island, which are under British protection, in the Convention concluded in London on the 20th June, 1891, which Convention was sanctioned by the Law of the 4th April, 1892, viz., that portion lying east of the point where the boundary-line between Boeloengan and Koetei meets the boundary-line first named.

The Islands of Tarakan and Nanoekan and that portion of the Island of Sebitik, situated to the south of the above boundary-line, described in the "Indisch Staatsblad" of 1892, No. 114, belong to Boeloengan, as well as the small islands belonging to the above islands, so far as they are situated to the south of the boundary-line last mentioned.

This list replaces the one belonging to Article II of the Contract concluded on the 2nd June, 1878, between the Resident of the South and East Divisions of Borneo and the Sultan and Grandees of Boeloengan, and approved and ratified by the Governor-General on the 18th October of the same year.

Boeloengan, June 10, 1893.

(Signed) MOHAMAD MIMOEDIN.
PANGERAN MANGKOE.
DATOE SAHOEDIN.

(Signed) JOEKES,
Resident of the South and East Division of Borneo.

A correct copy:
(Signed) COHEN STUART,
Government Secretary.

A correct copy:
(Signed) A. E. ELIAS,
Secretary-General in the Ministry of the Colonies.

MADJENE.

Contract and Confirmation.

Contract with Madjene.

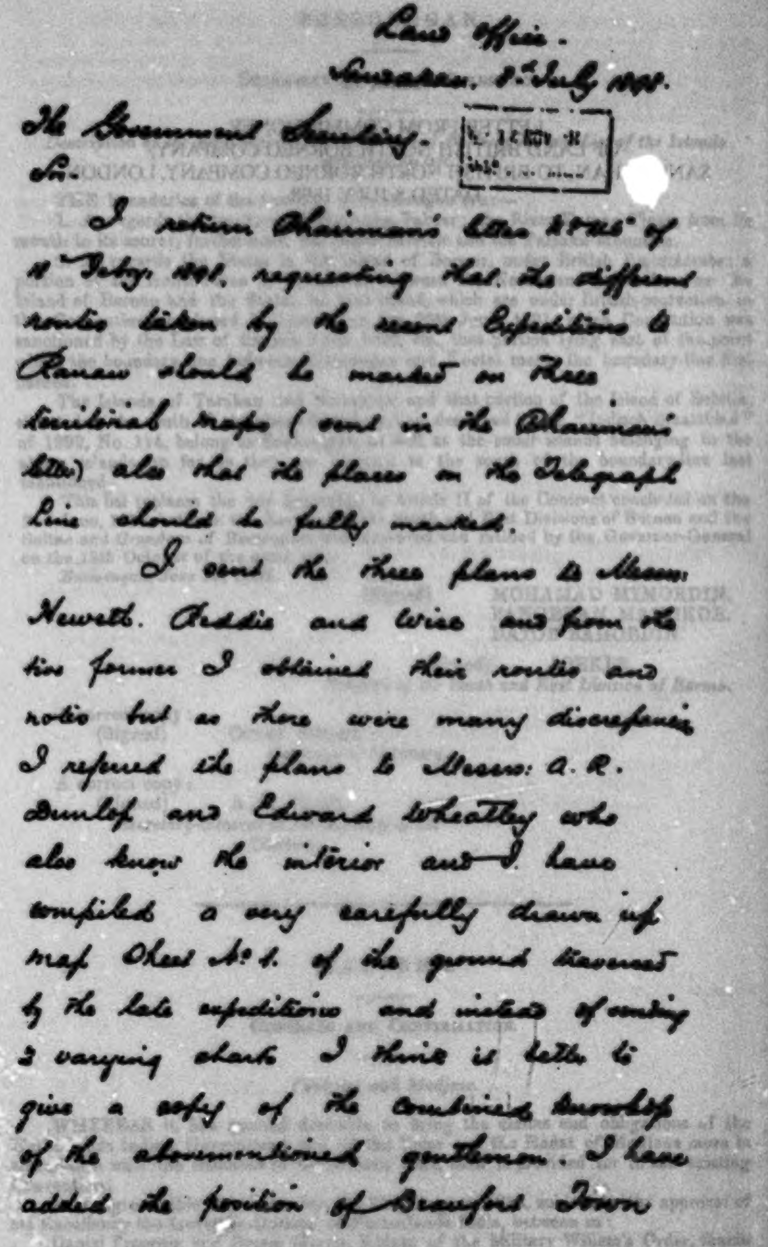
WHEREAS it has seemed desirable to bring the claims and obligations of the Netherlands Indian Government and of the Ruler and the Hadat of Madjene more in accordance with the demands of the present time, than is provided for in the existing Convention.

It is agreed this day, Saturday, the 20th August, 1892, subject to the approval of his Excellency the Governor-General of Netherlands India, between us:

Daniel François van Braam Morris, Knight of the Military William's Order, fourth

Annex 92

LETTER FROM COMMISSIONER OF LAND BRITISH NORTH BORNEO COMPANY, SANDAKHAN, TO BRITISH NORTH BORNEO COMPANY, LONDON, DATED 8 JULY 1898



Land Office.
Sandakan, 8th July 1898.

The Government Secretary.
Sir.

I return Chairman's letter No 765 of 11th Feby. 1898, requesting that the different routes taken by the recent Expeditions to Ranau should be marked on three territorial maps (sent in the Chairman's letter) also that the places on the Telegraph Line should be fully marked.

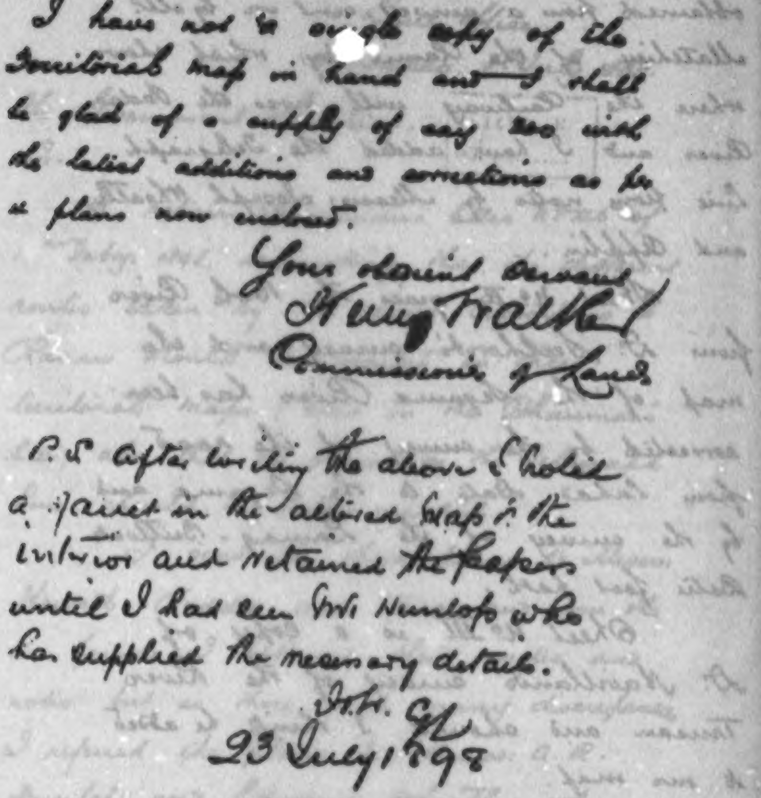
I sent the three plans to Messrs. Hewett. Reddie and Wise and from the two former I obtained their routes and notes but as there were many discrepancies I referred the plans to Messrs: A. R. Dunlop and Edward Wheatley who also know the interior and I have compiled a very carefully drawn up map Sheet No 1. of the ground traversed by the late expeditions and instead of sending 3 varying charts I think it better to give a copy of the combined knowledge of the abovementioned gentlemen. I have added the position of Beaufort Town obtained from a survey sent in by Mr. Matthews of the Borneo Ry. which shows where the Railway will cross the Padas River and I have added the Telegraph Line from notes by Messrs. Joseph Wheatley and Rifflin.

Sheet No II gives the Bole River from Dr. Saalhorst's survey and the map of the Segama River has been corrected by the survey of the road from Lahad Datu to the Segama and by the survey of the Lamag - Bettotan Batie foot path.

Sheet No III is a copy of Dr. Havilands' survey of the River Trusan and should I think be added to our map.

The Territorial Map enclosed has many alterations and additions.

I hope these 3 tracings and map will be sent to Stanford to place the details on our Territorial Map.



I have not a single copy of the Territorial map in hand and I shall be glad of a supply of say 200 with the latest additions and corrections as per the plans now enclosed.

Your obedient servant
Henry Walker
Commissioner of Lands

P.S. After writing the above I noted a defect in the altered map of the interior and retained the papers until I had seen Mr Dunlop who has supplied the necessary details.

H.W.
23 July 1898

Treaty of Peace between the United States of America and the Kingdom of Spain. Signed at Paris, December 10, 1898; ratification advised by the Senate, February 6, 1899; ratified by the President, February 6, 1899; ratified by the Queen Regent of Spain, March 19, 1899; ratifications exchanged at Washington, April 11, 1899; proclaimed, April 11, 1899.

Annex 93

TREATY OF PEACE BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SPAIN DATED 10 DECEMBER 1898

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, a Treaty of Peace between the United States of America and Her Majesty the Queen Regent of Spain, in the name of her August Son Don Alfonso XIII, was concluded and signed by their respective plenipotentiaries at Paris on the tenth day of December, 1898, the original of which, being in the English and Spanish languages, is word for word as follows:

Los Estados Unidos de América y S. M. la Reina Regente de España, en nombre de su Augusto Hijo Don Alfonso XIII, deseando poner término al estado de guerra hoy existente entre ambas Naciones, han nombrado con este objeto por sus Plenipotenciarios á saber:

El Presidente de los Estados Unidos de América,

William R. Day, Cushman K. Davis, William P. Frye, George Gray y Whitelaw Reid, ciudadanos de los Estados Unidos;

Y S. M. la Reina Regente de España,

Don Eugenio Montero Rios, Presidente del Senado,

Don Buenaventura de Abarzuza, Senador del Reino, Ministro que ha sido de la Corona,

Don José de Garnica, Diputado á Cortes, Magistrado del Tribunal Supremo;

Don Wenceslao Ramirez de Villa-Urrutia, Enviado Extraordinario y Ministro plenipotenciario en Bruselas, y

Don Rafael Cerero, General de División;

The United States of America and Her Majesty the Queen Regent of Spain, in the name of her August Son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as Plenipotentiaries:

The President of the United States,

William R. Day, Cushman K. Davis, William P. Frye, George Gray, and Whitelaw Reid, citizens of the United States;

And Her Majesty the Queen Regent of Spain,

Don Eugenio Montero Rios, President of the Senate,

Don Buenaventura de Abarzuza, Senator of the Kingdom and ex-Minister of the Crown;

Don José de Garnica, Deputy to the Cortes and Associate Justice of the Supreme Court;

Don Wenceslao Ramirez de Villa-Urrutia, Envoy Extraordinary and Minister Plenipotentiary at Brussels, and

Don Rafael Cerero, General of Division;

December 10, 1898.

Treaty of Peace between the United States of America and the Kingdom of Spain. Signed at Paris, December 10, 1898; ratification advised by the Senate, February 6, 1899; ratified by the President, February 6, 1899; ratified by her Majesty the Queen Regent of Spain, March 19, 1899; ratifications exchanged at Washington, April 11, 1899; proclaimed, Washington April 11, 1899.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Preamble.

Whereas, a Treaty of Peace between the United States of America and Her Majesty the Queen Regent of Spain, in the name of her August Son, Don Alfonso XIII, was concluded and signed by their respective plenipotentiaries at Paris on the tenth day of December, 1898, the original of which Convention being in the English and Spanish languages, is word for word as follows:

Treaty of Peace with Spain.

THE UNITED STATES OF AMERICA AND HER MAJESTY THE QUEEN REGENT OF SPAIN, IN THE NAME OF HER AUGUST SON DON ALFONSO XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as Plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES,

Plenipotentiaries of the United States.

WILLIAM R. DAY, CUSHMAN K. DAVIS, WILLIAM P. FRYE, GEORGE GRAY, and WHITELAW REID, citizens of the United States;

AND HER MAJESTY THE QUEEN REGENT OF SPAIN,

Plenipotentiaries of Spain.

DON EUGENIO MONTERO RIOS, President of the Senate,

DON BUENAVENTURA DE ABARZUZA, Senator of the Kingdom and ex-Minister of the Crown,

DON JOSÉ DE GARNICA, Deputy to the Cortes and Associate Justice of the Supreme Court;

DON WENCESLAO RAMIREZ DE VILLA-URRUTIA, Envoy Extraordinary and Minister Plenipotentiary at Brussels, and

DON RAFAEL CERERO, General of Division;

LOS ESTADOS UNIDOS DE AMERICA Y S. M. LA REINA REGENTE DE ESPAÑA, EN NOMBRE DE SU AUGUSTO HIJO DON ALFÓNSO XIII, deseando poner término al estado de guerra hoy existente entre ambas Naciones, han nombrado con este objeto por sus Plenipotenciarios á saber:

EL PRESIDENTE DE LOS ESTADOS UNIDOS DE AMERICA á:

WILLIAM R. DAY, CUSHMAN K DAVIS, WILLIAM P. FRYE GEORGE GRAY Y WHITELA REID, ciudadanos de los Estad Unidos;

Y SU MAJESTAD LA REINA REGENTE DE ESPAÑA, á

DON EUGENIO MONTERO RÍOS Presidente del Senado.

DON BUENAVENTURA DE ABARZUZA Senador del Reino, Ministr que ha sido de la Corona,

DON JOSÉ DE GARNICA, Diputado á Cortes, Magistrado del Tribunal supremo.

DON WENCESLAO RAMIREZ DE VILLA-URRUTIA, Enviado Extraordinario y Ministro plenipotenciario en Bruselas, y

DON RAFAEL CERERO, Gener de división;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II.

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

ARTICLE III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty five minutes (4° 45') north latitude, thence along the parallel of four degrees and forty five minutes (4° 45') north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty five minutes (119° 35') east of Greenwich, thence along the meridian of longi-

Los cuales reunidos en París, después de haberse comunicado sus plenos poderes que fueron hallados en buena y debida forma, y previa la discusión de las materias pendientes, han convenido en los siguientes artículos:

Full powers.

ARTÍCULO I.

España renuncia todo derecho de soberanía y propiedad sobre Cuba.

Cuba.
Relinquishment of Spanish authority.

En atencion á que dicha isla, cuando sea evacuada por España, va á ser ocupada por los Estados Unidos, los Estados Unidos mientras dure su ocupación, tomarán sobre sí y cumplirán las obligaciones que por el hecho de ocuparla, les impone el Derecho Internacional, para la protección de vidas y haciendas.

United States to protect life and property during the occupation.

ARTÍCULO II.

España cede á los Estados Unidos la Isla de Puerto Rico y las demás que están ahora bajo su soberanía en las Indias Occidentales, y la Isla de Guam en el Archipiélago de las Marianas ó Ladrones.

Cession of Porto Rico.

Cession of Guam.

ARTÍCULO III.

España cede á los Estados Unidos el archipiélago conocido por las Islas Filipinas, que comprende las islas situadas dentro de las líneas siguientes:

Philippine Islands, cession of.

Una línea que corre de Oeste á Este, cerca del 20° paralelo de latitud Norte, á través de la mitad del canal navegable de Bachi, desde el 118° al 127° grados de longitud Este de Greenwich; de aquí á lo largo del ciento veintisiete (127) grados meridiano de longitud Este de Greenwich al paralelo cuatro grados cuarenta y cinco minutos (4° 45') de latitud Norte; de aquí siguiendo el paralelo de cuatro grados cuarenta y cinco minutos de latitud Norte (4° 45') hasta su intersección con el meridiano de longitud ciento diez y nueve grados y treinta y cinco minutos (119° 35') Este de Greenwich; de aquí, siguiendo el meridiano de longitud ciento diez y nueve grados y treinta y cinco minutos (119° 35') Este de Greenwich, al paralelo de latitud

Geographical position.

BEST COPY AVAILABLE

tude one hundred and nineteen degrees and thirty five minutes (119° 35') east of Greenwich to the parallel of latitude seven degrees and forty minutes (7° 40') north, thence along the parallel of latitude seven degrees and forty minutes (7° 40') north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning.

siete grados cuarenta minutos (7° 40') Norte; de aquí siguiendo el paralelo de latitud siete grados cuarenta minutos (7° 40') Norte, á su intersección con el ciento diez y seis (116°) grado meridiano de longitud Este de Greenwich, de aquí por una línea recta, á la intersección del décimo grado paralelo de latitud Norte, con el ciento diez y ocho (118°) grado meridiano de longitud Este de Greenwich, y de aquí siguiendo el ciento diez y ocho grado (118°) meridiano de longitud Este de Greenwich, al punto en que comienza esta demarcacion.

Money payment to Spain.

Ante, p. 444.

The United States will pay to Spain the sum of twenty million dollars ($20,000,000) within three months after the exchange of the ratifications of the present treaty.

Los Estados Unidos pagarán á España la suma de veinte millones de dollars ($20,000,000) dentro de los tres meses después del canje de ratificaciones del presente tratado.

ARTICLE IV.

Special trade privileges to Spain in Philippine ports.

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ARTÍCULO IV

Los Estados Unidos durante el término de diez años á contar desde el canje de la ratificación del presente tratado admitirán en los puertos de las Islas Filipinas los buques y las mercancías españoles, bajo las mismas condiciones que los buques y las mercancías de los Estados Unidos.

ARTICLE V.

Repatriation of prisoners.

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces.

Arms of prisoners.

The arms of the soldiers in question shall be restored to them.

Evacuation of the Philippines and of Guam.

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the island of Guam, on terms similar to those agreed upon by the Commissioners

Terms.

appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the Protocol of August 12, 1898, which is to continue in force till its provisions are completely executed.

Ante, p. 1742.

ARTÍCULO V.

Los Estados Unidos, al ser firmado el presente tratado, transportarán á España, á su costa, los soldados españoles que hicieron prisioneros de guerra las fuerzas Americanas al ser capturada Manila. Las armas de estos soldados les serán devueltas.

España, al canjearse las ratificaciones del presente tratado, procederá á evacuar las Islas Filipinas, así como la de Guam, en condiciones semejantes á las acordadas por las Comisiones nombradas para concertar la evacuación de Puerto Rico y otras Islas en las Antillas Occidentales, según el Protocolo de 12 de Agosto de 1898, que continuará en vigor hasta que sean completamente cumplidas sus disposiciones.

Limit of time.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two Governments. Stands of colors, uncaptured war vessels, small arms, guns of all calibres, with their carriages and accessories, powder, ammunition, live stock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam, remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defences, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the mean time, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject shall be reached.

Disposition of naval property.

ARTICLE VI.

Release of prisoners by Spain.

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offences, in connection with the insurrections in Cuba and the Philippines and the war with the United States.

Release of prisoners by the United States.

Reciprocally, the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

Repatriation, expenses of.

The Government of the United States will at its own cost return to Spain and the Government of Spain will at its own cost return to the United States, Cuba, Porto Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

ARTICLE VII.

Indemnity claims mutually relinquished.

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Government, or of its citizens or sub-

El término dentro del cual será completada la evacuación de las Islas Filipinas y la de Guam, será fijado por ambos Gobiernos. Serán propiedad de España banderas y estandartes, buques de guerra no apresados, armas portátiles, cañones de todos calibres con sus montajes y accesorios, pólvoras, municiones, ganado, material y efectos de toda clase pertenecientes á los Ejércitos de mar y tierra de España en las Filipinas y Guam. Las piezas de grueso calibre, que no sean artillería de campaña, colocadas en las fortificaciones y en las costas, quedarán en sus emplazamientos por el plazo de seis meses á partir del canje de ratificaciones del presente tratado, y los Estados Unidos podrán, durante ese tiempo, comprar á España dicho material, si ambos Gobiernos llegan á un acuerdo satisfactorio sobre el particular.

ARTÍCULO VI

España al ser firmado el presente tratado, pondrá en libertad á todos los prisioneros de guerra y á todos los detenidos ó presos por delitos políticos á consecuencia de las insurrecciones en Cuba y en Filipinas y de la guerra con los Estados Unidos.

Recíprocamente, los Estados Unidos pondrán en libertad á todos los prisioneros de guerra hechos por las fuerzas Americanas, y gestionarán la libertad de todos los prisioneros españoles en poder de los insurrectos de Cuba y Filipinas.

El Gobierno de los Estados Unidos trasportará, por su cuenta á España, y el Gobierno de España trasportará por su cuenta á los Estados Unidos, Cuba, Puerto Rico y Filipinas, con arreglo á la situación de sus respectivos hogares, los prisioneros que pongan ó que haga poner en libertad respectivamente, en virtud de este Artículo.

ARTÍCULO VII.

España y los Estados Unidos de América renuncian mutuamente, por el presente tratado, á toda reclamación de indemnización nacional ó privada de cualquier ment, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

United States to settle claims of its citizens against Spain.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

ARTICLE VIII.

Relinquishment of immovable property.

In conformity with the provisions of Articles I, II, and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways and other immovable property which, in conformity with law, belong to the public domain, and as such belong to the Crown of Spain.

Rights belonging to peaceful possessors of property to remain unaffected by cession.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, cannot in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

Cession includes documents.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only in part relates [illegible] sovereignty, a copy of such [illegible] furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

otro, ó de sus súbditos ó ciudadanos contra el otro Gobierno, que pueda haber surgido desde el comienzo de la última insurrección en Cuba y sea anterior al canje de ratificaciones del presente tratado, así como á toda indemnización en concepto de gastos ocasionados por la guerra.

Los Estados Unidos juzgarán y resolverán las reclamaciones de sus ciudadanos contra España, á que ésta renuncia en este artículo.

ARTÍCULO VIII.

En cumplimiento de lo convenido en los Artículos I, II y III de este tratado, España renuncia en Cuba y cede en Puerto Rico y en las otras islas de las Indias Occidentales, en la Isla de Guam y en el Archipiélago de las Filipinas, todos los edificios, muelles, cuarteles, fortalezas, establecimientos, vías públicas y demás bienes inmuebles que con arreglo á derecho son del dominio público, y como tal corresponden á la Corona de España.

Queda por lo tanto declarado que esta renuncia ó cesión, según el caso, á que se refiere el párrafo anterior, en nada puede mermar la propiedad, ó los derechos que correspondan, con arreglo á las leyes, al poseedor pacífico, de los bienes de todas clases de las provincias, municipios, establecimientos públicos ó privados, corporaciones civiles ó eclesiásticas, ó de cualesquiera otras colectividades que tienen personalidad jurídica para adquirir y poseer bienes en los mencionados territorios renunciados ó cedidos, y los de los individuos particulares, cualquiera que sea su nacionalidad.

Dicha renuncia ó cesión, según el caso, incluye todos los documentos que se refieran exclusivamente á dicha soberanía renunciada ó cedida, que existan en los Archivos de la Península.

Cuando estos documentos, existentes en dichos Archivos, sólo en parte correspondan á dicha soberanía, se facilitarán copias de dicha parte, siempre que sean solicitadas. Reglas análogas habrán recíprocamente de observarse en favor de España, respecto de los documentos existentes en los Archivos de

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

ARTICLE IX.

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

ARTICLE X.

The inhabitants of the territories over which Spain relinquishes or

En las antedichas renuncia ó cesión, según el caso, se hallan comprendidos aquellos derechos de la Corona de España y de sus Autoridades sobre los Archivos y Registros oficiales, así administrativos como judiciales, de dichas Islas, que se refieran á ellas y á los derechos y propiedades de sus habitantes. Dichos Archivos y Registros deberán ser cuidadosamente conservados, y los particulares sin excepción, tendrán derecho á sacar, con arreglo á las Leyes, las copias autorizadas de los contratos, testamentos y demás documentos que formen parte de los protocolos notariales ó que se custodien en los Archivos administrativos ó judiciales, bien éstos se hallen en España, ó bien en las Islas de que se hace mención anteriormente.

ARTÍCULO IX.

Los súbditos españoles, naturales de la Península, residentes en el territorio cuya soberanía España renuncia ó cede por el presente tratado, podrán permanecer en dicho territorio ó marcharse de él, conservando en uno ú otro caso todos sus derechos de propiedad, con inclusión del derecho de vender ó disponer de tal propiedad ó de sus productos; y además tendrán el derecho de ejercer su industria, comercio ó profesión, sujetándose á este respecto á las leyes que sean aplicables á los demás extranjeros. En el caso de que permanezcan en el territorio, podrán conservar su nacionalidad española haciendo ante una oficina de registro, dentro de un año después del cambio de ratificaciones de este tratado, una declaración de su propósito de conservar dicha nacionalidad; á falta de esta declaración, se considerará que han renunciado dicha nacionalidad y adoptado la del territorio en el cual pueden residir.

Los derechos civiles y la condición política de los habitantes naturales de los territorios aquí cedidos á los Estados Unidos se determinarán por el Congreso.

ARTÍCULO X.

Los habitantes de los territorios cuya soberanía España renuncia ó

Official archives and records.

And authenticated copies.

Rights of Spanish subjects in relinquished territory.

Preservation of allegiance to Spain.

Congress to determine civil and political status.

Free exercise of religion.

cedes her sovereignty shall be secured in the free exercise of their religion.

ARTICLE XI.

Status of Spanish residents in courts.

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

ARTICLE XII.

Determination of pending judicial proceedings.

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

Unappealable by Spanish law.

Judgments deemed final.

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

Prosecution of pending civil actions.

2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.

Criminal actions pending before supreme court of Spain against citizens of relinquished territory.

3. Criminal actions pending on the date mentioned before the Supreme Court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

ARTICLE XIII.

Existing copyrights and patent rights continued.

The rights of property secured by copyrights and patents acquired by Spaniards in the Island of Cuba,

cede, tendrán asegurado el libre ejercicio de su religión.

ARTÍCULO XI.

Los españoles residentes en los territorios cuya soberanía cede ó renuncia España por este tratado, estarán sometidos en lo civil y en lo criminal á los tribunales del país en que residan con arreglo á las leyes comunes que regulan su competencia, pudiendo comparecer ante aquellos, en la misma forma y empleando los mismos procedimientos que deban observar los ciudadanos del país á que pertenezca el tribunal.

ARTÍCULO XII.

Los procedimientos judiciales pendientes al canjearse las ratificaciones de este tratado, en los territorios sobre los cuales España renuncia ó cede su soberanía, se determinarán con arreglo á las reglas siguientes:

1. Las sentencias dictadas en causas civiles entre particulares ó en materia criminal, antes de la fecha mencionada, y contra las cuales no haya apelación ó casación con arreglo á las leyes españolas, se considerarán como firmes, y serán ejecutadas en debida forma por la Autoridad competente en el territorio dentro del cual dichas sentencias deban cumplirse.

2. Los pleitos civiles entre particulares que en la fecha mencionada no hayan sido juzgados, continuarán su tramitación ante el Tribunal en que se halle el proceso, ó ante aquel que lo sustituya.

3. Las acciones en materia criminal pendientes en la fecha mencionada ante el Tribunal Supremo de España contra ciudadanos del territorio que según este tratado deja de ser español, continuarán bajo su jurisdicción hasta que recaiga la sentencia definitiva; pero, una vez dictada esa sentencia, su ejecución será encomendada á la Autoridad competente del lugar en que la acción se suscitó.

ARTÍCULO XIII.

Continuarán respetándose los derechos de propiedad literaria, artística é industrial, adquiridos por and in Porto Rico, the Philippines and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

españoles en las Islas de Cuba y en las de Puerto Rico, Filipinas y demás territorios cedidos, al hacerse el canje de las ratificaciones de este tratado. Las obras españolas científicas, literarias y artísticas, que no sean subversivas para el orden público en dichos territorios, continuarán entrando en los mismos, con franquicia de todo derecho de aduana por un plazo de diez años á contar desde el canje de ratificaciones de este tratado.

Spanish scientific, etc., works admitted free of duty.

ARTICLE XIV.

Spain shall have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

ARTÍCULO XIV.

España podrá establecer Agentes Consulares en los puertos y plazas de los territorios cuya renuncia y cesión es objeto de este tratado.

Establishment of Spanish consular officers in ceded territory.

ARTICLE XV.

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as it accords to its own merchant vessels, not engaged in the coastwise trade.

This article may at any time be terminated on six months' notice given by either Government to the other.

ARTÍCULO XV.

El Gobierno de cada país concederá, por el término de diez años, á los buques mercantes del otro el mismo trato en cuanto á todos los derechos de puerto, incluyendo los de entrada y salida, de faro y tonelaje, que conceda á sus propios buques mercantes no empleados en el comercio de cabotaje.

Este artículo puede ser denunciado en cualquier tiempo dando noticia previa de ello cualquiera de los dos Gobiernos al otro con seis meses de anticipación.

Port charges. Rights of merchant vessels of each country.

Notice of termination.

ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.

ARTÍCULO XVI.

Queda entendido que cualquiera obligación aceptada en este tratado por los Estados Unidos con respecto á Cuba, está limitada al tiempo que dure su ocupación en esta Isla, pero al terminar dicha ocupación, aconsejarán al Gobierno que se establezca en la Isla que acepte las mismas obligaciones.

Obligations of United States in Cuba limited to time of occupancy.

ARTICLE XVII

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

ARTÍCULO XVII

El presente tratado será ratificado por el Presidente de los Estados Unidos, de acuerdo y con la aprobación del Senado, y por Su Majestad la Reina Regente de España; y las ratificaciones se canjearán en Washington dentro del plazo de seis meses desde esta fecha, ó antes si posible fuese.

Ratification.

Exchange.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Paris, the tenth day of December, in the year of Our Lord one thousand eight hundred and ninety eight.

Signatures.

[SEAL] WILLIAM R. DAY
[SEAL] CUSHMAN K. DAVIS
[SEAL] WM P. FRYE
[SEAL] GEO. GRAY
[SEAL] WHITELAW REID

En fé de lo cual, los respectivos Plenipotenciarios firman y sellan este tratado.

Hecho por duplicado en París á diez de Diciembre del año mil ochocientos noventa y ocho.

[SEAL] EUGENIO MONTERO RÍOS
[SEAL] B. DE ABARZUZA
[SEAL] J. DE GARNICA
[SEAL] W. R. DE VILLA URRUTIA
[SEAL] RAFAEL CERERO

Ratifications exchanged.

And whereas, the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Washington, on the eleventh day of April, one thousand eight hundred and ninety-nine;

Proclamation.

Now, therefore, be it known that I, William McKinley, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this eleventh day of April, in the year of Our Lord one thousand eight hundred and ninety-nine, and of the Independence of the United States the one hundred and twenty-third.

[SEAL.] WILLIAM MCKINLEY

By the President:
JOHN HAY
Secretary of State.

Annex 94

TREATY BETWEEN THE UNITED STATES AND SPAIN FOR THE CESSION TO THE UNITED STATES OF ANY AND ALL ISLANDS OF THE PHILIPPINE ARCHIPELAGO LYING OUTSIDE OF THE LINES DESCRIBED IN ARTICLE III OF THE TREATY OF PEACE OF DECEMBER 10, 1898

DATED 7 NOVEMBER 1900

November 7, 1900.

Cession of outlying islands of the Philippines.

Treaty between the United States and Spain for the cession to the United States of any and all islands of the Philippine archipelago lying outside of the lines described in Article III of the treaty of peace of December 10, 1898. Signed at Washington November 7, 1900; ratification advised by the Senate January 22, 1901; ratified by the President January 30, 1901; ratified by Spain February 25, 1901; ratifications exchanged at Washington March 23, 1901; proclaimed March 23, 1901.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Vol. 30, p. 1754.

Whereas a Convention between the United States of America and Spain, providing for the cession to the United States of any and all islands of the Philippine Archipelago lying outside of the lines described in Article III of the Treaty of Peace concluded by them at Paris on December 10, 1898, was concluded and signed by their respective plenipotentiaries at the City of Washington on the seventh day of November, 1900, which Convention, being in the English and Spanish languages, is word for word as follows:

The United States of America and Her Majesty the Queen Regent of Spain, in the name of Her August Son, Don Alfonso XIII, desiring to remove any ground of misunderstanding growing out of the interpretation of Article III of the Treaty of Peace concluded between them at Paris the tenth day of December, one thousand eight hundred and ninety eight, whereby Spain cedes to the United States the archipelago known as the Philippine Islands and comprehending the islands lying within certain described lines, and having resolved to conclude a Treaty to accomplish that end, have for that purpose appointed as their respective plenipotentiaries:

Plenipotentiaries.

The President of the United States, John Hay, Secretary of State of the United States;

and Her Majesty the Queen

Los Estados Unidos de América, y Su Majestad la Reina Regente de España, en nombre de Su Augusto Hijo Don Alfonso XIII, deseando evitar cualquier desavenencia, á que pudiera dar lugar la interpretación del artículo III del Tratado de Paz, firmado por ambas Partes contratantes en Paris, el dia diez de Diciembre del año mil ochocientos noventa y ocho, en virtud del cual España cede á los Estados Unidos el Archipiélago conocido con el nombre de Islas Filipinas, y que constituyen las islas situadas dentro de los límites que en el mismo se expresan; han resuelto celebrar un Tratado con el fin de alcanzar el indicado propósito, nombrando Plenipotenciarios:

El Presidente de los Estados Unidos á John Hay, Secretario de Estado de los Estados Unidos;

y Su Majestad la Reina Regente

cos, Envoy Extraordinary and Minister Plenipotentiary of Spain to the United States:

who, having met in the city of Washington and having exchanged their full powers, which were found to be in due and proper form, have agreed upon the following sole article:

SOLE ARTICLE

Territory relinquished.

Spain relinquishes to the United States all title and claim of title, which she may have had at the time of the conclusion of the Treaty of Peace of Paris, to any and all islands belonging to the Philippine Archipelago, lying outside the lines described in Article III of that Treaty and particularly to the islands of Cagayan Sulú and Sibutú and their dependencies, and agrees that all such islands shall be comprehended in the cession of the Archipelago as fully as if they had been expressly included within those lines.

Consideration.

The United States, in consideration of this relinquishment, will pay to Spain the sum of one hundred thousand dollars ($100,000) within six months after the exchange of the ratifications of the present Treaty.

Ratification.

The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain, after approval by the Cortes of the Kingdom, and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

Done in duplicate at the city of Washington, the 7th day of November, in the year of Our Lord one thousand nine hundred.

Signatures.

JOHN HAY [SEAL]
ARCOS [SEAL]

Enviado Extraordinario y Ministro Plenipotenciario de España en los Estados Unidos;

los cuales, reunidos en la ciudad de Washington, despues de haberse comunicado sus plenos poderes, que fueron hallados en buena y debida forma, han convenido en el artículo único siguiente:

ARTICULO UNICO

España renuncia en favor de los Estados Unidos á todo título ó derecho que, al firmarse el Tratado de Paz de Paris, hubiese podido tener sobre cada una ó todas las Islas pertenecientes al Archipiélago Filipino, situadas fuera de los límites especificados en el artículo III de dicho Tratado de Paris, y especialmente á las Islas de Cagayan de Joló y Sibutú y sus dependencias; y conviene en que todas ellas queden comprendidas en la cesion del Archipiélago, en idénticas condiciones á aquellas que fueron expresamente incluidas dentro de la mencionada delimitación.

Los Estados Unidos, en atención á esta renuncia, pagarán á España la suma de cien mil dollars ($100.000) dentro del plazo de seis meses á contar desde el dia del canje de ratificaciones del presente Tratado.

El presente Tratado será ratificado por el Presidente de los Estados Unidos, con el consejo y consentemiento del Senado, y por Su Majestad la Reina Regente de España, previa aprobación de las Cortes del Reino, y se canjearán las ratificaciones en Washington en el mas breve plazo posible.

En fé de lo cual, los respectivos Plenipotenciarios firman y sellan este Tratado.

Hecho por duplicado en la Ciudad de Washington el dia 7 de Noviembre del año mil novecientos.

JOHN HAY [SEAL]
ARCOS [SEAL]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the twenty-third day of March, one thousand nine hundred and one;

Proclamation.

Now, therefore, be it known that I, William McKinley, Presid
of the United States of America, have caused the said Convention
be made public, to the end that the same and every article and clau
thereof may be observed and fulfilled with good faith by the Unit
States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the s
of the United States to be affixed.

Done at the City of Washington this 23rd day of March, in t
year of Our Lord one thousand nine hundred and one, a
[SEAL] of the Independence of the United States the one hundr
and twenty-fifth.

WILLIAM MCKINLEY

By the President:
JOHN HAY
Secretary of State.

Annex 95

LETTER FROM U.S. ACTING SECRETARY OF WAR TO U.S. SECRETARY OF STATE DATED 15 OCTOBER 1901

Copy.

No. 3652 **WAR DEPARTMENT**

Washington

October 15, 1901.

Sir:

I have the honor to acknowledge the receipt of your letter of the 12th instant, inclosing a copy of a letter from the Acting Secretary of the Navy on the subject of the alleged payment of taxes by persons in the Philippine Islands to the British North Borneo Trading Company, and requesting information as to whether these taxes are levied in islands falling within the cession of the Treaty of Paris.

In reply, you are advised that, other than the data contained in the Treaty negotiated with Spain, this Department is not possessed of any information tending to show whether the islands referred to are within the cession to the United States. In this connection, however, your attention is invited to the copy of a chart of the Balabac Strait published by the United States Hydrographic Office, and transmitted for your consideration.

Very respectfully,

Wm Carey Sanger.

Acting Secretary of War.

The Honorable
The Secretary of State.

(Inclosure:
Chart referred to).

Annex 96

LETTER FROM U.S. SECRETARY OF STATE TO U.S. SECRETARY OF THE NAVY DATED 21 OCTOBER 1901

T/W

DEPARTMENT OF STATE,
WASHINGTON.

October 21, 1901.

The Honorable
The Secretary of the Navy.

Sir:

Referring again to your letter of the 7th instant, I have now the honor to enclose a copy of a letter from the Acting Secretary of War stating that, other than the data in the Treaty of Peace with Spain, that Department possesses no information tending to show whether the islands of Banguey, Balambanga and Mallawalli are included in the territory ceded to this Government by Spain.

As far as this Department is able to judge of the geographical condition, the southern boundary line adopted in the Treaty of December 10, 1898, was drawn to the northward of the three islands above mentioned and named in the British, German and Spanish Protocol of of March 7, 1885. So far therefore as the report of Sergeant Weidman relates to complaints made by residents of the islands about Banguey they would appear to be without foundation. This Department's understanding is that all claim to the islands in Balâbak strait south of 7° 40' N. was relinquished by Spain to Great Britain by the Protocol of 1885.

It remains to be ascertained whether the North Borneo Government asserts any right of taxation in the small rocks and islands lying north of 7° 40' and adjacent to Balâbak.

I have the honor to be, Sir,

Your obedient servant

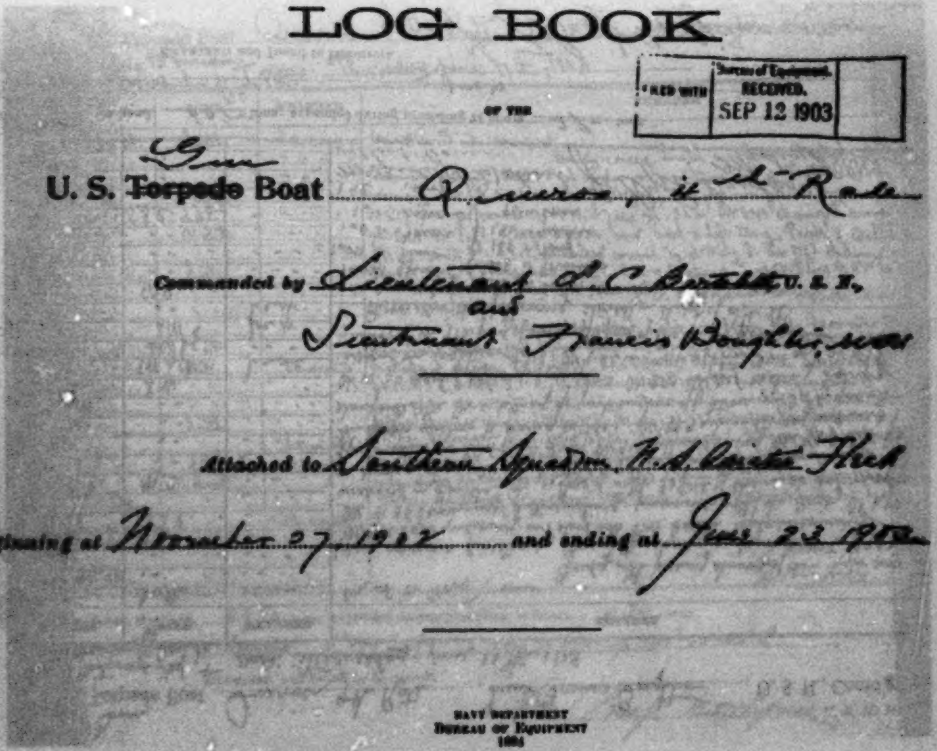
John Hay

Enclosure:

From War Department, October 15, 1901.

Annex 97

LOG BOOK OF U.S.S. *QUIROS* DATED 27 NOVEMBER 1902 TO 23 JUNE 1903



LOG BOOK

FILED WITH	Bureau of Equipment. RECEIVED. SEP 12 1903	

OF THE

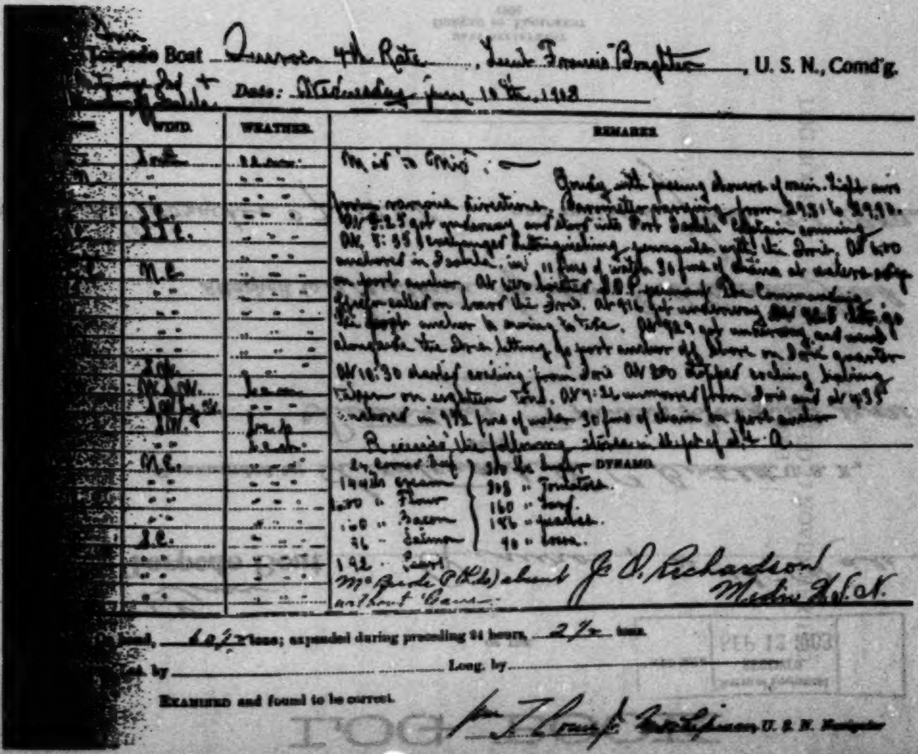
U. S. ~~Torpedo~~ Gun Boat Quiros, 4th Rate

Commanded by Lieutenant L. C. Bertolette, U. S. N.,
and
Lieutenant Francis Boughter, USN

Attached to Southern Squadron, U. S. Asiatic Fleet

beginning at November 27, 1902 and ending at June 23, 1903

NAVY DEPARTMENT
BUREAU OF EQUIPMENT
1894



Torpedo Boat Quiros 4th Rate, Lieut. Francis Boughter, U. S. N., Comd'g.

Date: Wednesday June 10th. 1903

WIND.	WEATHER.	REMARKS.

DYNAMO

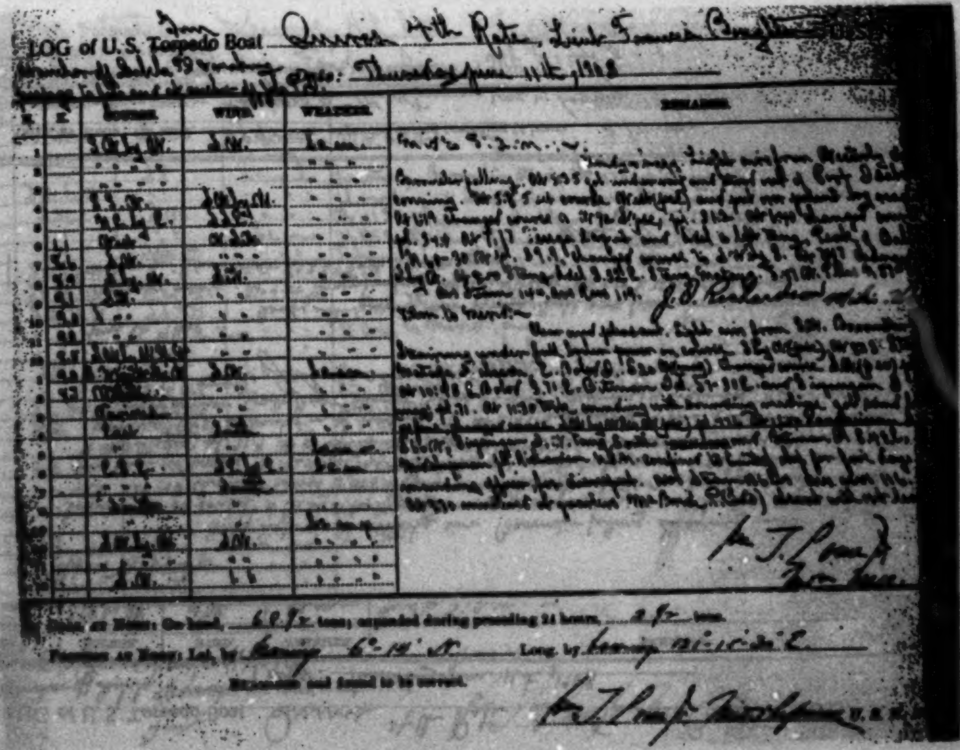
J. D. Richardson

tons; expended during preceding 24 hours, 2 ½ tons.

Long. by

EXAMINED and found to be correct.

U. S. N. Navigator



LOG of U.S. Torpedo Boat Quiros 4th Rate, Lieut. Francis [illegible]

[illegible] Date: Thursday June 11th, 1908

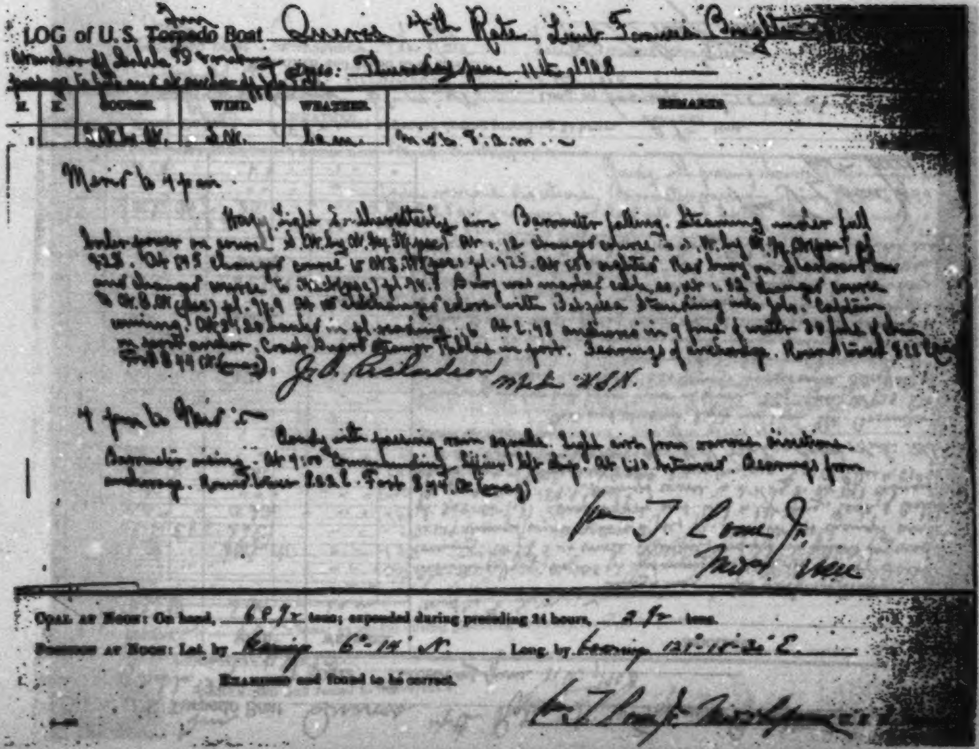
H.	K.	COURSES	WIND	WEATHER	REMARKS
1		[illegible]	[illegible]	[illegible]	[illegible]
2		[illegible]		[illegible]	[illegible]
3		[illegible]		[illegible]	[illegible]
4		[illegible]	[illegible]	[illegible]	[illegible]
5		[illegible]	[illegible]	[illegible]	[illegible]
6	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
7	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
8	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
9	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
10	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
11	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
12	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
1	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
3		[illegible]	[illegible]	[illegible]	[illegible]
4		[illegible]	[illegible]	[illegible]	[illegible]
5		[illegible]	[illegible]	[illegible]	[illegible]
6		[illegible]	[illegible]	[illegible]	[illegible]
7		[illegible]	[illegible]	[illegible]	[illegible]
8		[illegible]	[illegible]	[illegible]	[illegible]
9		[illegible]		[illegible]	[illegible]
10		[illegible]	[illegible]	[illegible]	[illegible]
11		[illegible]	[illegible]	[illegible]	
12		[illegible]	[illegible]	[illegible]	

Coal at Noon: On hand, 69 3/4 tons; expended during preceding 24 hours, 2 3/4 tons.

Position at Noon: Lat. by Bearings 6° 14' N. Long. by Bearings 121° 10' 30" E.

Examined and found to be correct.

U. S. N.



LOG of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate, Lieut. Francis Boughter [illegible]

[illegible] Date: Thursday June 11th, 1908

H.	K.	COURSE	WIND	WEATHER	REMARKS
1		S.W. by W.	S.W.	b.c.m.	Mid. to 8 a.m. : —

Merid. to 4 p.m.

Hazy, light S.-Westerly airs. Barometer falling. Steaming under full boiler power on course S.W. by W. [illegible] At 1.12 changed course to S.W. by W. [illegible] At 2.45 changed course to [illegible] At 2.50 sighted Red buoy on Starboard bow and changed course to [illegible] At 3.[illegible] changed course to [illegible] Standing into port. Captain conning. At 3.20 [illegible] At 3.48 anchored in 9 fms. of water 30 fathoms of chain [illegible] in port. Bearings of anchorage. Round Island [illegible] Fort 8.44 [illegible] (mag.). J. A. Richardson Mate U.S.N.

4 p.m. to Mid. :—

Cloudy with passing rain squalls. Light airs from various directions. Barometer rising. At 9.00 [illegible] At [illegible] Bearings from anchorage. Round Island [illegible] Fort 8.44 [illegible] (mag.)

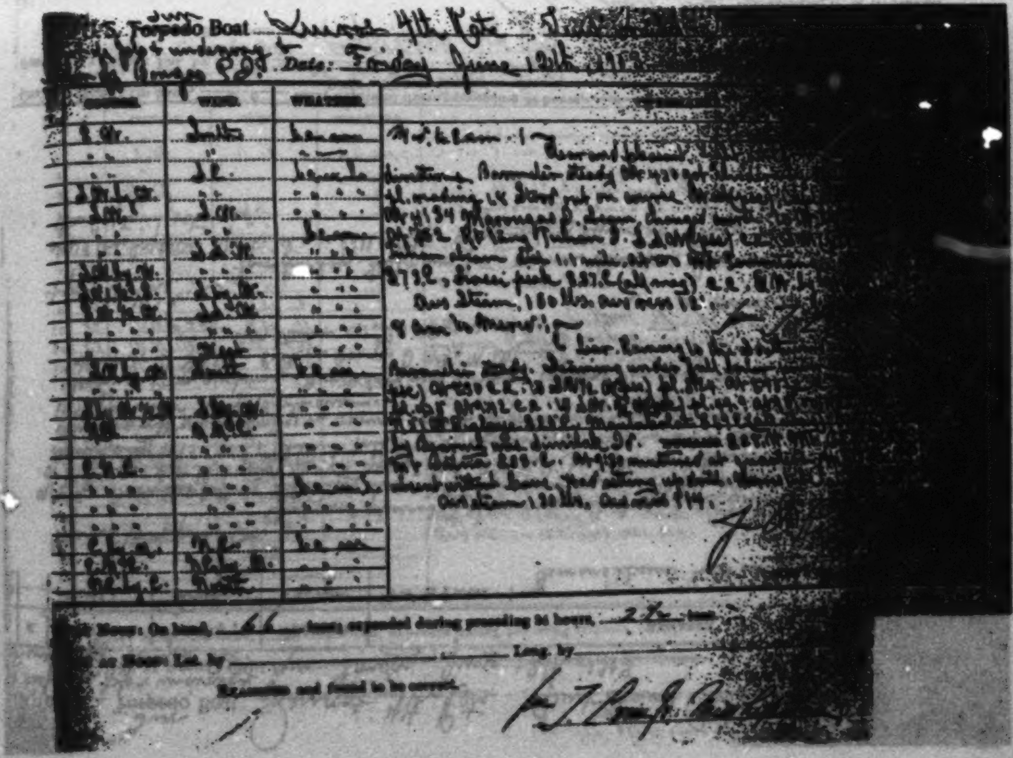
Wm. T. Conn Jr.
Midn. U.S.N.

Coal at Noon: On hand, 68 [illegible] tons; expended during preceding 24 hours, 2 [illegible] tons.

Position at Noon: Lat. by Bearings 6°-14' N. Long. by Bearings 121°-18'-30" E.

Examined and found to be correct.

Wm. T. Conn Jr. [illegible]



U.S. Torpedo Boat [illegible] 4th [illegible]

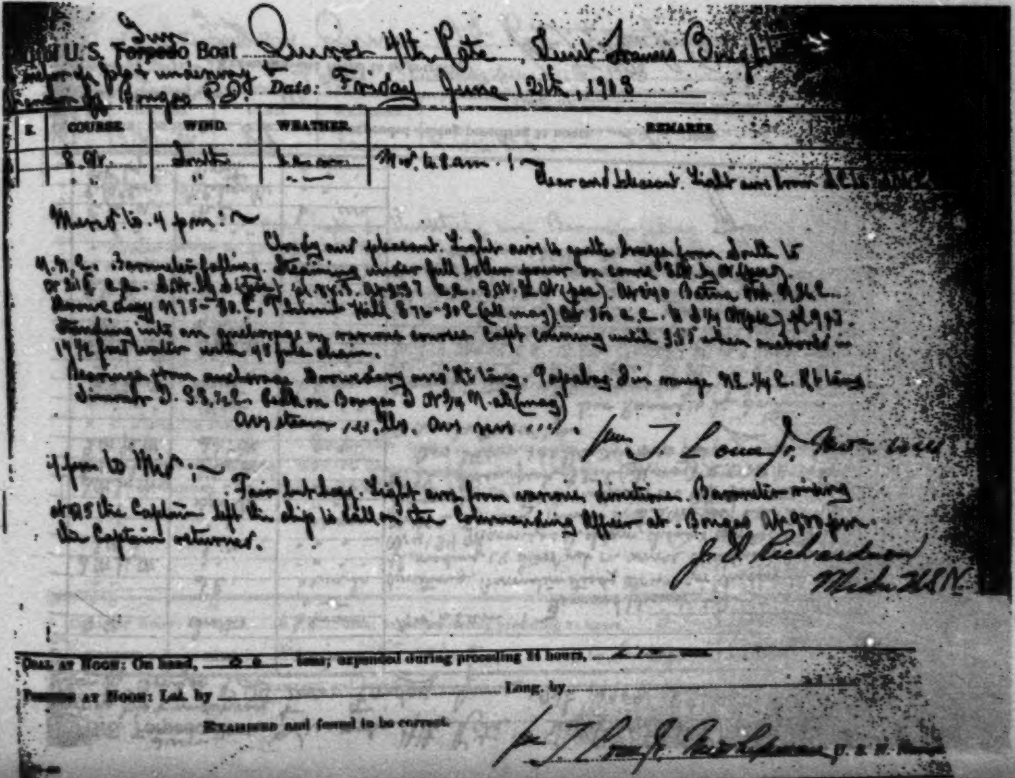
Date: Friday June 12th [illegible]

COURSE	WIND	WEATHER	
[illegible]	[illegible]	[illegible]	[illegible]

Coal: On hand, 66 tons; expended during preceding 24 hours, 2½ tons

At Noon: Lat. by ______ Long. by ______

Examined and found to be correct.



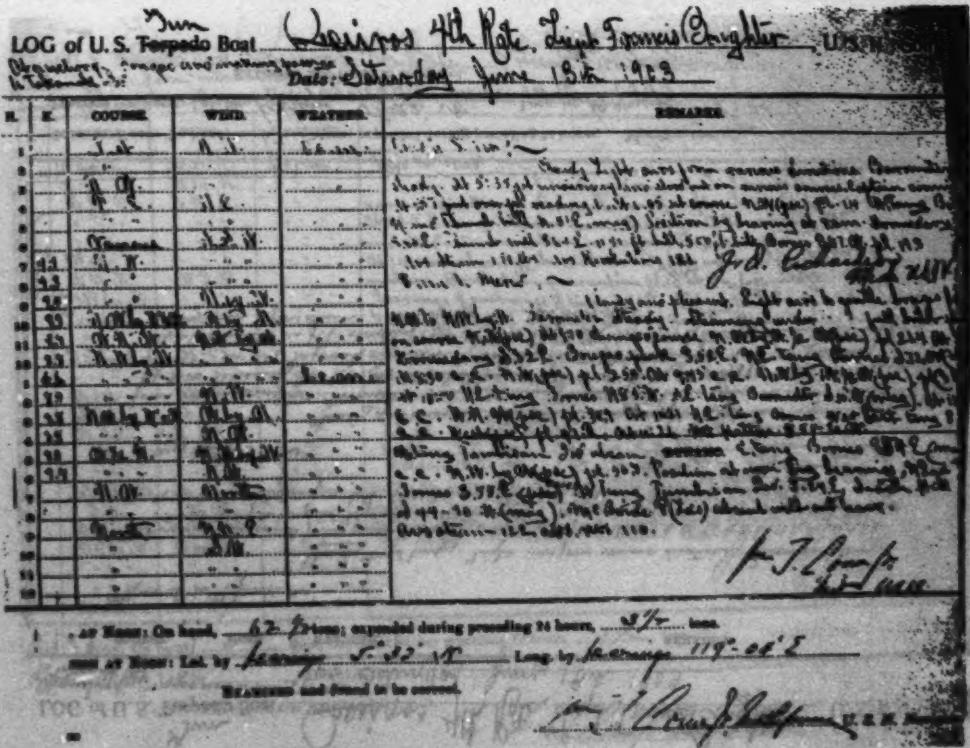
Gun
U.S. ~~Torpedo~~ Boat Quiros 4th Rate, Lieut Francis Bright
[illegible] underway
[illegible] Bongao P.I. Date: Friday June 12th, 1913

E.	COURSE.	WIND.	WEATHER.	REMARKS.
	S. W.	South	b. c. m.	Mid. to 8 a.m. :~ Clear and pleasant. Light airs from [illegible]
	" "	"	"	

Merid. to 4 p.m. :~
Cloudy and pleasant. Light airs to gentle breezes from South to N.N.E. Barometer falling. Steaming under full boiler power on course [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Steaming into an anchorage on various courses [illegible] until 3.55 when anchored in 17 1/2 feet water with 45 fathoms chain.
Bearings from anchorage [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Bongao [illegible] (mag)
Av. steam 141 lbs. Av. revs. [illegible]. [illegible]

4 p.m. to Mid. :~
Fair but hazy. Light airs from various directions. Barometer rising. At 7.15 the Captain left the ship to call on the Commanding Officer at Bongao. At 9.30 p.m. the Captain returned.
J. D. Richardson
Midn U.S.N.

Coal at Noon: On hand, ___ tons; expended during preceding 24 hours, ___ tons.
Position at Noon: Lat. by ___ Long. by ___
Examined and found to be correct. ___ U.S.N. [illegible]



LOG of U.S. Torpedo Boat [illegible] 4th Rate, Lieut. Francis [illegible], U.S.N.

Date: Saturday June 13th 1903

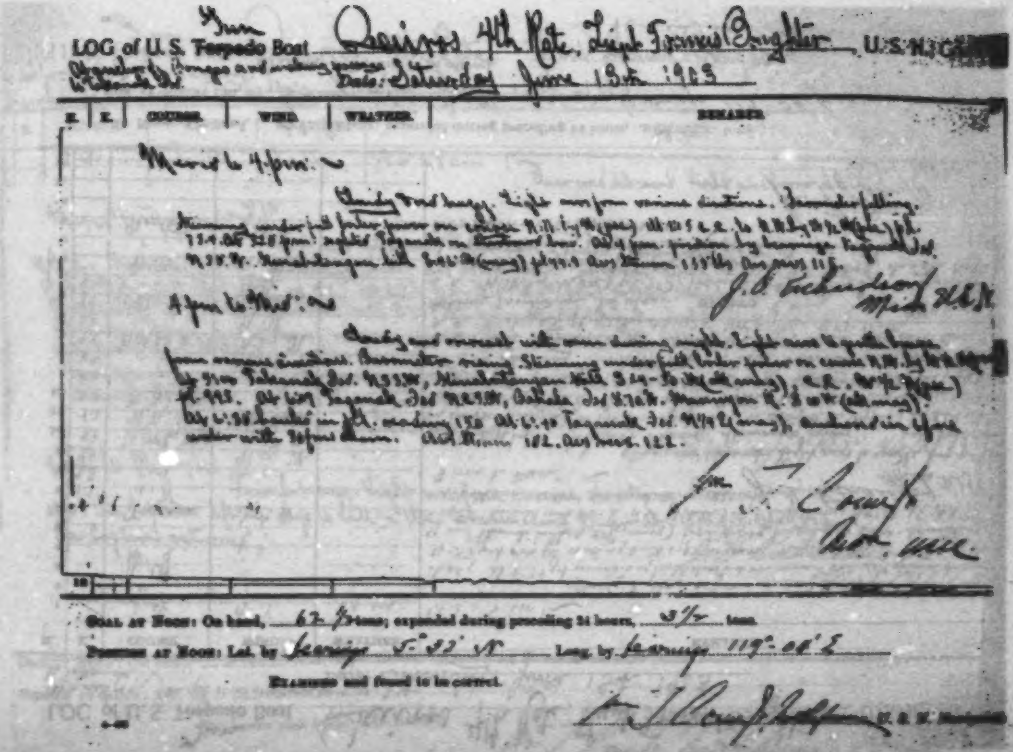
H.	K.	COURSE	WIND	WEATHER	REMARKS
1		[illegible]	[illegible]	[illegible]	[illegible]
2					Steady light airs from various directions. [illegible]
3		[illegible]			[illegible]
4		[illegible]	[illegible]		[illegible]
5					[illegible]
6		[illegible]	[illegible]		[illegible]
7	[illegible]	[illegible]			[illegible]
8	[illegible]				[illegible]
9	[illegible]		[illegible]		Cloudy and pleasant. Light airs to gentle breeze [illegible]
10	[illegible]	[illegible]	[illegible]		[illegible]
11	[illegible]	[illegible]	[illegible]		[illegible]
12	[illegible]	[illegible]			[illegible]
1	[illegible]			[illegible]	[illegible]
2	[illegible]		[illegible]		[illegible]
3	[illegible]	[illegible]	[illegible]		[illegible]
4	[illegible]		[illegible]		[illegible]
5	[illegible]	[illegible]	[illegible]		[illegible]
6	[illegible]		[illegible]		[illegible]
7		[illegible]	[illegible]		[illegible]
8					[illegible]
9		[illegible]	[illegible]		
10			[illegible]		
11					
12					

At Noon: On hand, 62 [illegible] tons; expended during preceding 24 hours, 3½ tons.

At Noon: Lat. by bearings 5°32' N Long. by bearings 119°-04' E

Examined and found to be correct.

[illegible] U.S.N.



LOG of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate, Lieut Francis Boughter U.S.N. Comdg.

Date: Saturday June 13th 1903

H.	K.	COURSE.	WIND.	WEATHER.	REMARKS.

Mer. to 4 p.m.:~

Cloudy and hazy. Light airs from various directions. Barometer falling. [illegible]

4 p.m. to Mer.:~

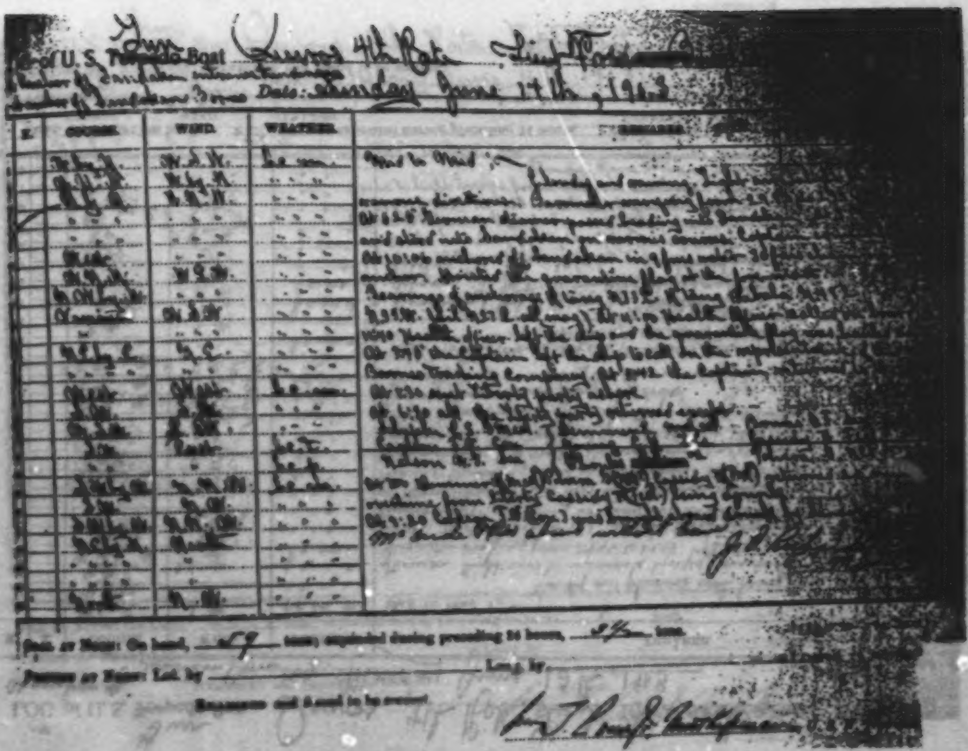
Cloudy and overcast with rain during night. Light airs to gentle breeze from various directions. Barometer rising. Steaming under full boiler power [illegible]

COAL AT NOON: On hand, 62 [illegible] tons; expended during preceding 24 hours, 3½ tons.

POSITION AT NOON: Lat. by bearings 5° 33' N Long. by bearings 119° 08' E

EXAMINED and found to be correct.

U.S.N. Commanding.



Log of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate Lieut. [illegible]

[illegible]

[illegible] Date: Thursday June 17th, 19[illegible]

H.	COURSE	WIND	WEATHER	REMARKS
	[illegible]	[illegible]	[illegible]	Mid to 4 a.m. :— [illegible]

At 6.25 [illegible]

At 10.06 anchored [illegible] in 9 fms water [illegible]

[illegible] Hoisted the [illegible] flag [illegible]

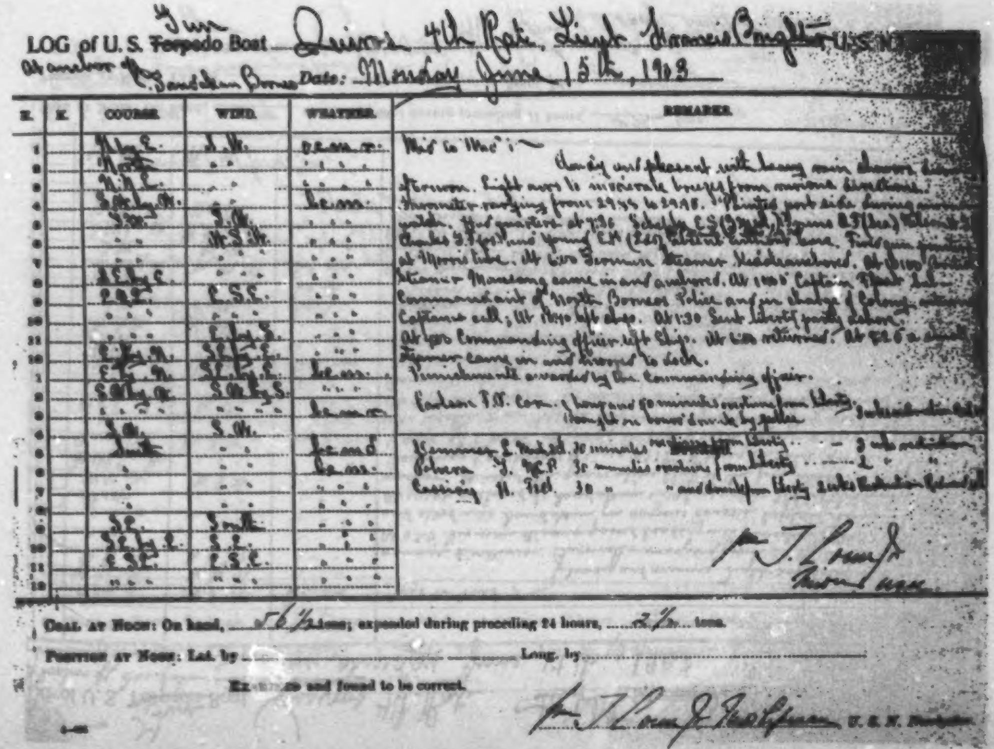
At 2.30 [illegible]

[illegible]

COAL AT NOON: On hand, [illegible] tons; expended during preceding 24 hours, [illegible] tons.

POSITION AT NOON: Lat. by ____________ Long. by ____________

Examined and found to be correct:



LOG of U.S. ~~Torpedo Boat~~ Gun Boat Quiros 4th Rate, Lieut. Francis Boughter U.S.N.

At anchor off Sandakan Borneo Date: Monday June 15th, 1903

H.	K.	COURSE.	WIND.	WEATHER.
1		N by E.	S.W.	b.c.m. r.
2		North	" "	" " "
3		N.N.E.	" "	" " "
4		S.W. by W.	" "	b.c.m.
5		S.W.	S.W.	" " "
6		" "	W.S.W.	" " "
7		" "	" "	" " "
8		N.E. by E.	" "	" " "
9		E.N.E.	E.S.E.	" " "
10		" "	" "	" " "
11		" "	E by S.	" " "
12		E by N.	S.E. by E.	" " "
1		E by N.	S.E. by E.	b.c.m.
2		S.W. by W.	S.W. by S.	" " "
3		" "	" "	b.c.m. r.
4		S.W.	S.W.	
5		South	" "	b.c.m.d.
6		"	" "	b.c.m.
7		"	" "	" " "
8		"	" "	" " "
9		S.E.	South	" " "
10		S.E. by E.	S.E.	" " "
11		E.S.E.	E.S.E.	" " "
12		" "	" "	" " "

REMARKS.

Mid to Noon:~

Cloudy and pleasant with heavy rain showers during afternoon. Light airs to moderate breezes from various directions. Barometer ranging from 29.88 to 29.98. Painted port side during [illegible] watch. Held quarters at 9:30. [illegible] and Young [illegible] [illegible]. At 6:00 German Steamer [illegible]. At [illegible] Steamer [illegible] came in and anchored. At 10:00 Captain [illegible] Commandant of North Borneo Police and in charge of Colony [illegible] Captain's call; at 10:40 left ship. At 1:30 sent liberty party ashore. At 4:00 Commanding officer left ship. At 6:00 returned. At [illegible] a [illegible] steamer came in and dropped to dock.

Punishments awarded by the Commanding officer.

Jackson F.W. Cox. [illegible] hour and 50 minutes overtime from liberty, brought on board drunk by police [illegible]

Jennings L. [illegible] 30 minutes overtime from liberty — 3 extra [illegible]
Johnson J. [illegible] 30 minutes overtime from liberty — 2 " "
Cassidy H. [illegible] 30 " " and drunk from liberty 2 [illegible]

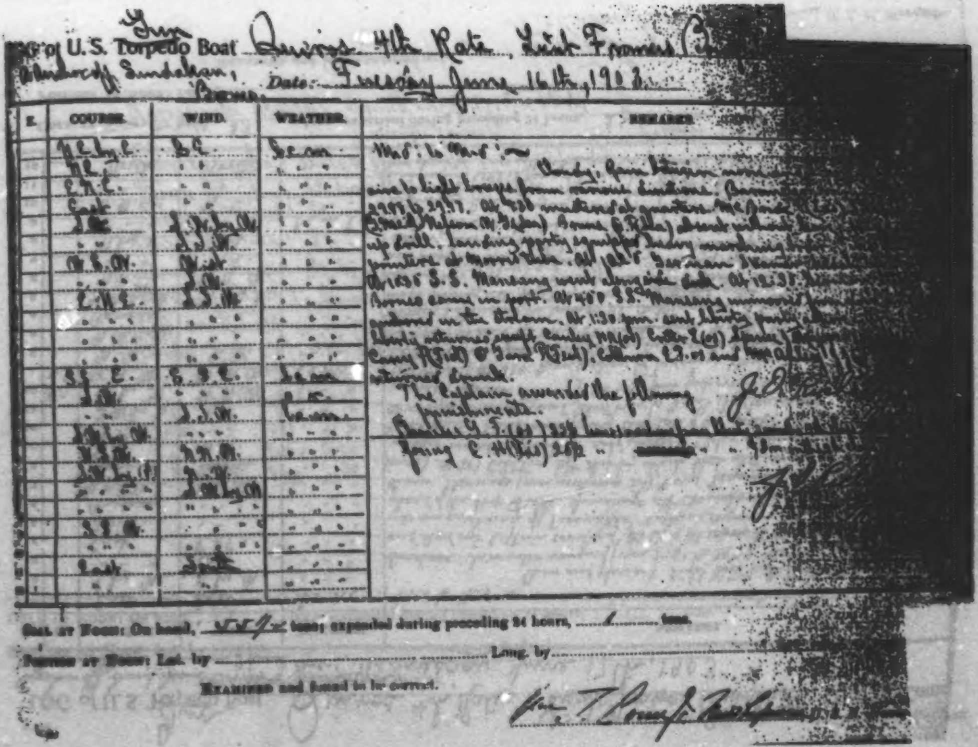
F. T. Evans Jr.
[illegible] U.S.N.

COAL AT NOON: On hand, 56½ tons; expended during preceding 24 hours, 2½ tons.

POSITION AT NOON: Lat. by ____ Long. by ____

Examined and found to be correct.

F. T. Evans Jr. [illegible] U.S.N. [illegible]



Log of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate, Lieut. Frances (B

at Anchor off Sandakan, Borneo. Date: Tuesday June 16th, 1908.

H.	COURSE.	WIND.	WEATHER.
	N.E. by E.	S.E.	b.c.m.
	N.E.	" "	" " "
	E.N.E.	" "	" " "
	East	" "	" " "
	S.W.	S.W. by W.	" " "
	" "	S.S.W.	" " "
	W.S.W.	W.	" " "
	" " "	S.W.	" " "
	E.N.E.	S.S.W.	" " "
	" " "	" " "	" " "
	" " "	" " "	" " "
	" " "	" " "	" " "
	S.S.E.	S.S.E.	b.c.m.
	S.W.	" " "	b.c.
	" "	S.S.W.	b.c.m.
	S.W. by W.	" " "	" " "
	W.S.W.	W.N.W.	" " "
	S.W. by W.	N.W.	" " "
	" " "	S.W. by W.	" " "
	" " "	" " "	" " "
	S.S.W.	" " "	" " "
	" " "	" " "	" " "
	South	South	" " "
	"	"	" " "

REMARKS.

Mid. to Mer.:—

Cloudy; [illegible] moderate to light breezes from various directions. Barometer 29.93 to 29.97. At 7:30 mustered at quarters. [illegible] (Bugler) [illegible] absent without leave [illegible] up drill. Landing party equipped [illegible] marching [illegible] at [illegible]. At 10:45 German steamer [illegible] At 10:35 S.S. Mansang went alongside dock. At 12:30 [illegible] Borneo came in port. At 4:00 S.S. Mansang [illegible] anchored in the stream. At 1:30 p.m. sent liberty party ashore. Liberty returned [illegible] Conley [illegible] Cutter [illegible] Carey [illegible]. Coleman [illegible] and [illegible] returned on board.

The Captain awarded the following punishments.

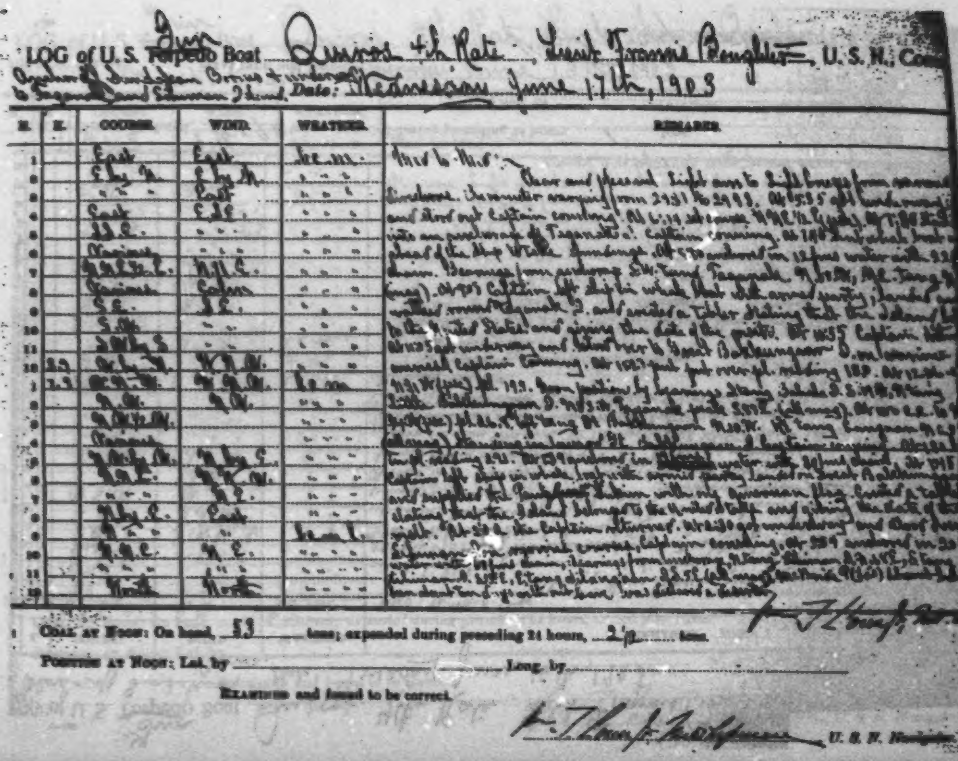
[illegible] (23 3/4 hours [illegible]

Young E. H. [illegible] 24 " " [illegible]

Coal at Noon: On hand, [illegible] tons; expended during preceding 24 hours, 1 tons.

Position at Noon: Lat. by ______ Long. by ______

Examined and found to be correct.



LOG of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate, Lieut Francis Boughter, U.S.N., Co

Date: Wednesday June 17th, 1903

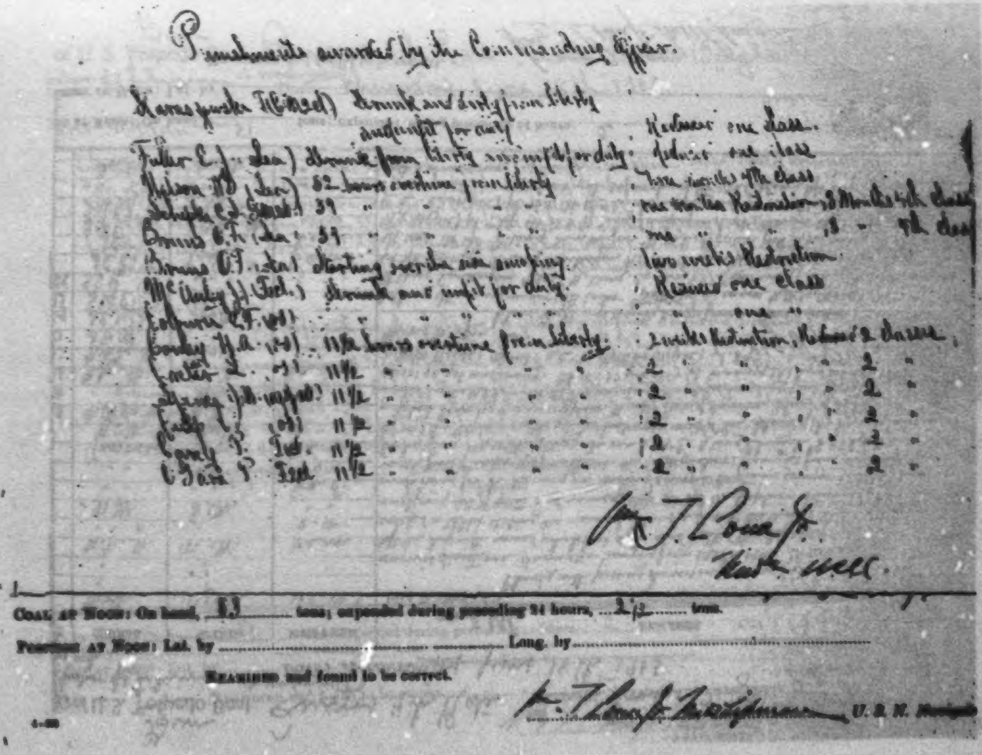
H.	K.	COURSE	WIND	WEATHER	REMARKS
1		East	East	b c m.	
2		E by N	E by N	" " "	
3		" " "	East	" " "	
4		East	E S E.	" " "	
5		S S E.	" " "	" " "	
6		Various	" " "	" " "	
7		[illegible]	N N E.	" " "	
8		Various	Calm	" " "	
9		S E.	S E.	" " "	
10		S. W.	" "	" " "	
11		S W by S	" "	" " "	
12	2.2	W by N	W N W.	" " "	
1	2.2	W N W.	W N W.	b c m.	
2		N. W.	N. W.	" " "	
3		[illegible]		" " "	
4		Various		" " "	
5		N by W	N by E	" " "	
6		N N E.	[illegible]	" " "	
7		" " "	N E.	" " "	
8		N by E.	East	" " "	
9		" " "	"	b c m l.	
10		N N E.	N E.	" " "	
11		" " "	" "	" " "	
12		North	North	" " " "	

Coal at Noon: On hand, 53 tons; expended during preceding 24 hours, 2½ tons.

Position at Noon: Lat. by ______ Long. by ______

Examined and found to be correct.

U. S. N. Navigator



Punishments awarded by the Commanding Officer.

[illegible] ([illegible]) Drunk and dirty from liberty and unfit for duty : Reduced one class.

Fuller E. J. (Sea) Drunk from liberty and unfit for duty : Reduced one class

Nelson W. B. (Sea) 52 hours overtime from liberty : Three months 4th class

Schaefer C. J. ([illegible]) 39 " " " : One month Restriction – 3 Months 4th class

Evans C. F. (Sea) 39 " " " " : one " 3 " 4th class

Evans O. T. (Sea) Starting fire in [illegible] : Two weeks Restriction

McCarthy J. J. (Fireman) Drunk and unfit for duty : Reduced one class

Johnson C. F. (do) " " " " : " one "

[illegible] H. A. (do) 11½ hours overtime from liberty : 2 weeks Restriction, Reduced 2 classes.

[illegible] L. (do) 11½ " " " " : 2 " " " 2 "

[illegible] J. A. ([illegible]) 11½ " " " " : 2 " " " 2 "

[illegible] J. (do) 11½ " " " " : 2 " " " 2 "

[illegible] P. (Fireman) 11½ " " " " : 2 " " " 2 "

[illegible] P. (Fireman) 11½ " " " " : 2 " " " 2 "

Wm. T. Conn Jr.
Lieut. U.S.N.

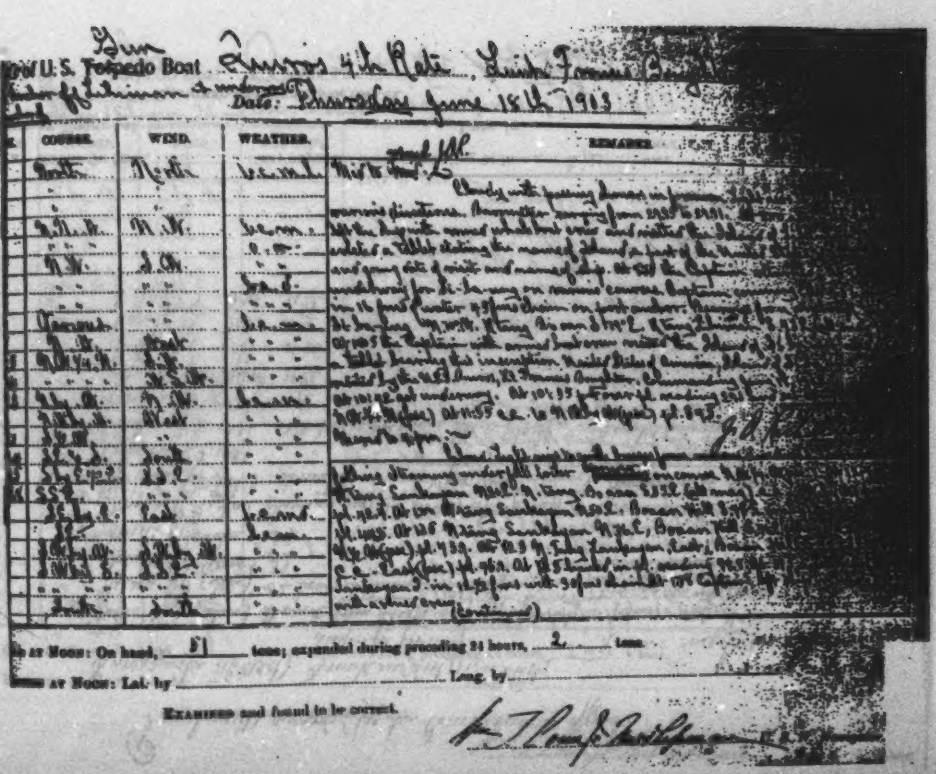
COAL AT NOON: On hand, 83 tons; expended during preceding 24 hours, 2½ tons.

POSITION AT NOON: Lat. by .... Long. by ....

EXAMINED and found to be correct.

Wm. T. Conn Jr. [illegible] U. S. N. Navigator

4-88



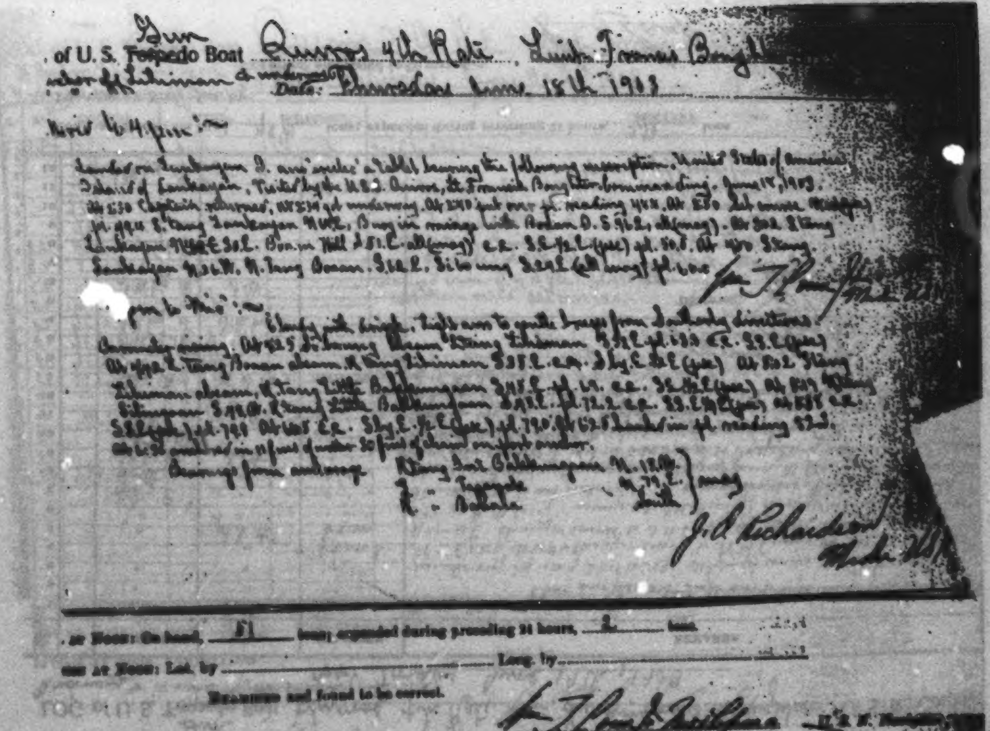
U.S. Torpedo Boat ____ Date: Thursday June 18th 1913

COURSE.	WIND.	WEATHER.	REMARKS.
North	North		

... at Noon: On hand, 51 tons; expended during preceding 24 hours, 2 tons.

... at Noon: Lat. by ____ Long. by ____

Examined and found to be correct.



. of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate, Lieut. Francis Bough

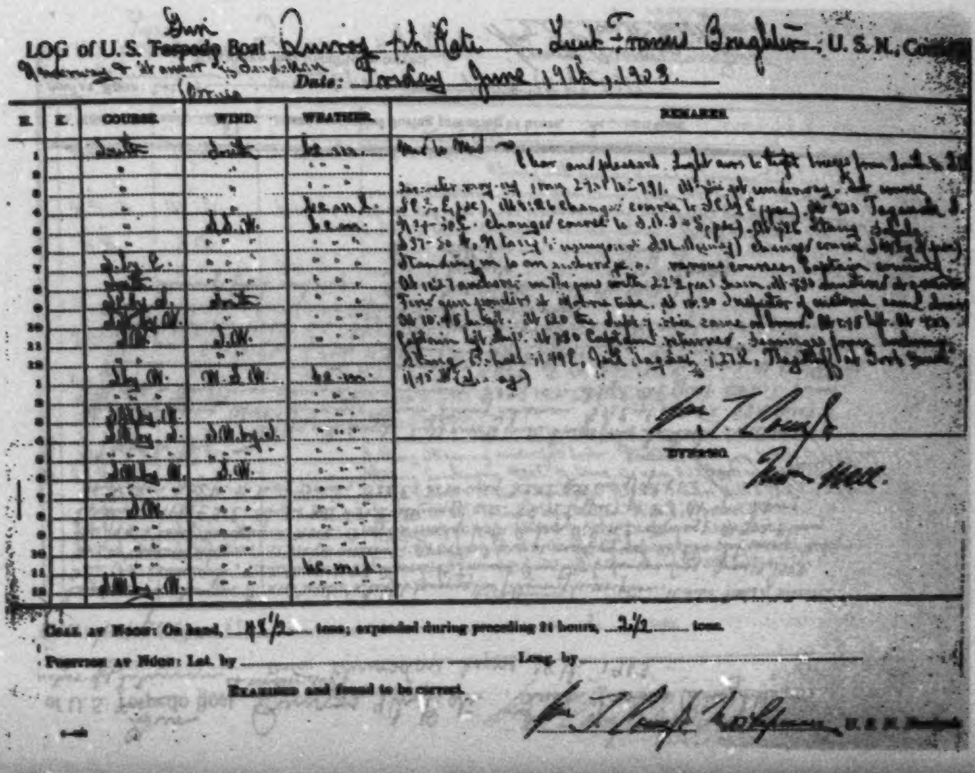
Date: Thursday June 18th 1913

. at Noon: On hand, 51 tons; expended during preceding 24 hours, 2 tons.

at Noon: Lat. by ______ Long. by ______

Examined and found to be correct.

U.S.N. Commanding



LOG of U.S. Gun Torpedo Boat Quiros 4th Rate, Lieut. Francis Broughton, U.S.N., Comm

Underway & at anchor in Sandakan (Borneo)

Date: Tuesday June 19th, 1923.

H.	K.	COURSE.	WIND.	WEATHER.
1		South	South	b.c.m.
2		"	"	" "
3		"	"	" "
4		"	"	b.c.m.d.
5		"	S.S.W.	b.c.m.
6		"	" "	" "
7		S. by E.	" "	" "
8		South	" "	" "
9		S. by W.	South	" "
10		S.W. by W.	"	" "
11		S.W.	S.W.	" "
12			" "	
1		S. by W.	W.S.W.	b.c.m.
2		" "		" "
3		S.W. by W.		" "
4		S.W. by S.	S.W. by S.	" "
5		" " "	" "	" "
6		S.W. by W.	S.W.	" "
7		" "	" "	" "
8		S.W.	" "	" "
9		" "	" "	" "
10		" "	" "	" "
11		" "	" "	b.c.m.d.
12		S.W. by W.	" "	" "

REMARKS.

Mid to 4 a.m. ~ Clear and pleasant. Light airs to light breeze from South to S.W.

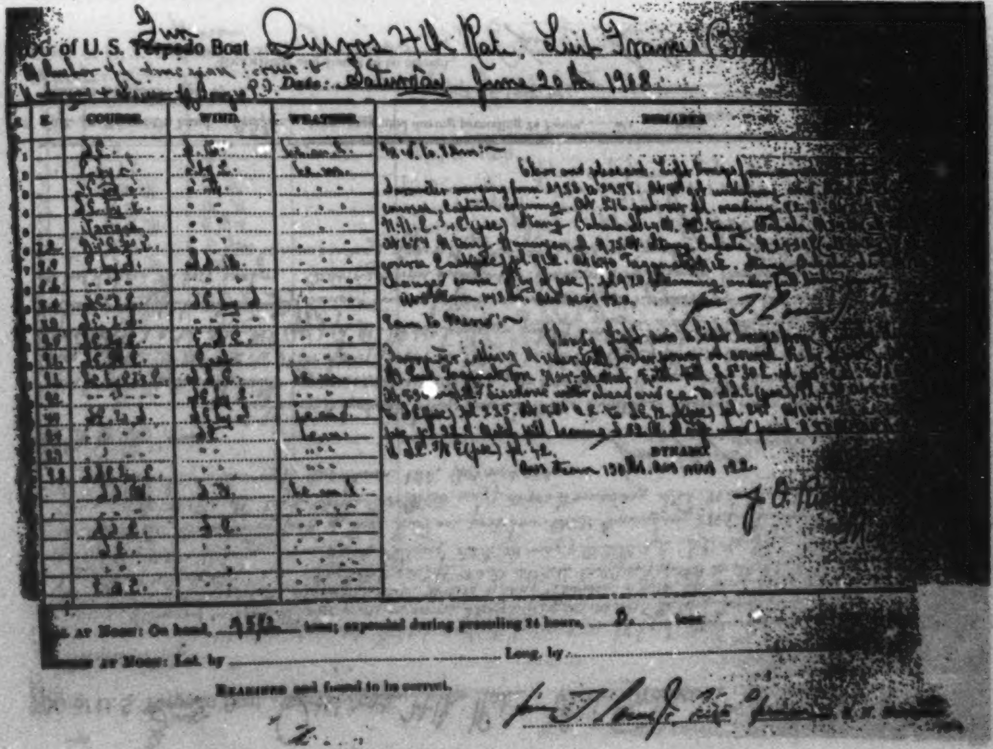
F. T. Couch

COAL AT NOON: On hand, 45½ tons; expended during preceding 24 hours, 2½ tons.

POSITION AT NOON: Lat. by ______ Long. by ______

EXAMINED and found to be correct.

F. T. Couch, U.S.N. Commanding



LOG of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate, Lieut. Francis [illegible]

Date: Saturday June 20th 1918

H.	K.	COURSE.	WIND.	WEATHER.	REMARKS.

M. T. to 12 m.:—

Clear and pleasant. Light breeze [illegible]

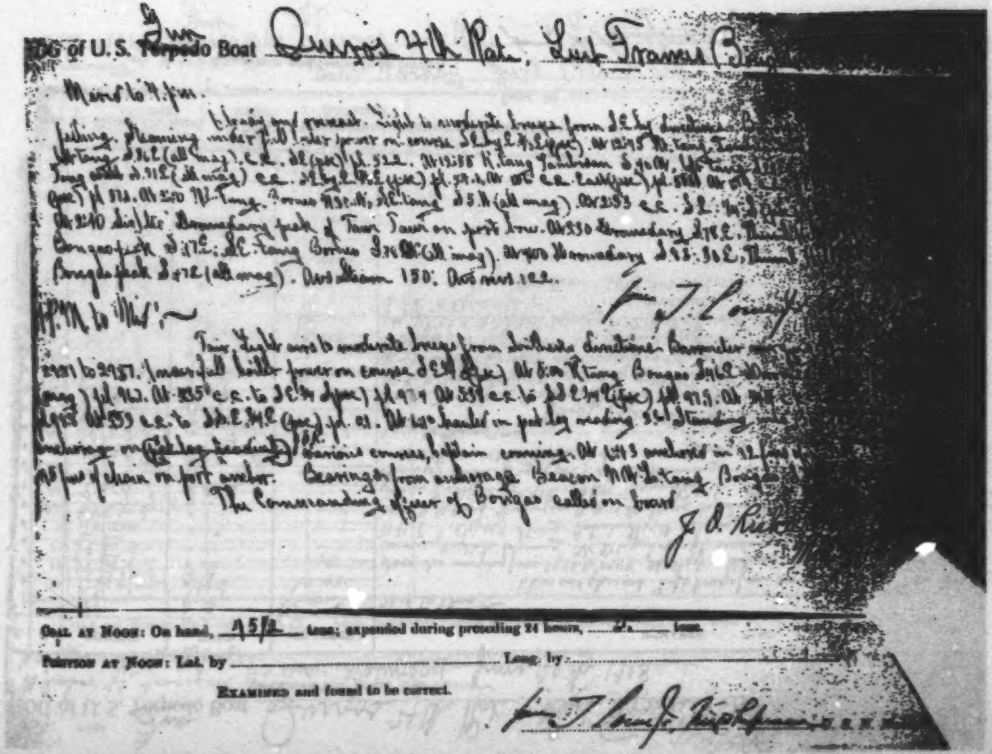
Noon to 4 p.m.:—

DYNAMO

[illegible] AT NOON: On hand, 45½ tons; expended during preceding 24 hours, 2. tons

[illegible] AT NOON: Lat. by ______ Long. by ______

Examined and found to be correct.



LOG of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate, Lieut Francis B[illegible]

Merid to 4 p.m.

Clearing and overcast. Light to moderate breeze from S.E. by directions. B[illegible] falling. Steaming under full boiler power on course S.E. by E. ½ E. (p.s.c.). At 12:45 [illegible] [illegible] S.71 E. (all mag.). c.c. S.E. (p.s.c.) pt. 522. At 1:55 [illegible] S.70 W. [illegible] [illegible] S.71 E. (all mag.) c.c. S.E. by E. ½ E. (p.s.c.) pt. [illegible] c.c. East (p.s.c.) pt. [illegible] p.s.c.) pt. [illegible]. At 2:20 [illegible] N.30 W., [illegible] S.5 W. (all mag.). At 2:53 c.c. S.E. [illegible] At 2:40 sighted [illegible] on port bow. At 3:30 Dromedary S.71 E. [illegible] [illegible] S.17 E.; [illegible] Borneo S.76 W. (all mag.). At 4:00 Dromedary S.83.31 E., [illegible] [illegible] S.72 (all mag.). Ave. steam 150. Ave revs 122.

4 P.M. to Mid.:~

Fair. Light airs to moderate breeze from Southerly directions. Barometer [illegible] 29.91 to 29.57. [illegible] full boiler power on course S.E. [illegible] (p.s.c.) At 5:00 [illegible] Bongao S.71 E. [illegible] [illegible] pt. 962. At 5:35 c.c. to S.E. ¾ S. (p.s.c.) pt. 974. At 5:58 c.c. to S.S.E. ¾ E. (p.s.c.) pt. 975. At [illegible] [illegible] At 5:59 c.c. to S.S.E. ¾ E. (p.s.c.) pt. 03. At 6:40 hauled in pat log reading 3.4. Standing [illegible] anchorage on [illegible] various courses, captain conning. At 6:43 anchored in 12 fms [illegible] 45 fms of chain on port anchor. Bearings from anchorage Beacon N.N.W. [illegible] Bongao [illegible]

The Commanding Officer of Bongao called on board

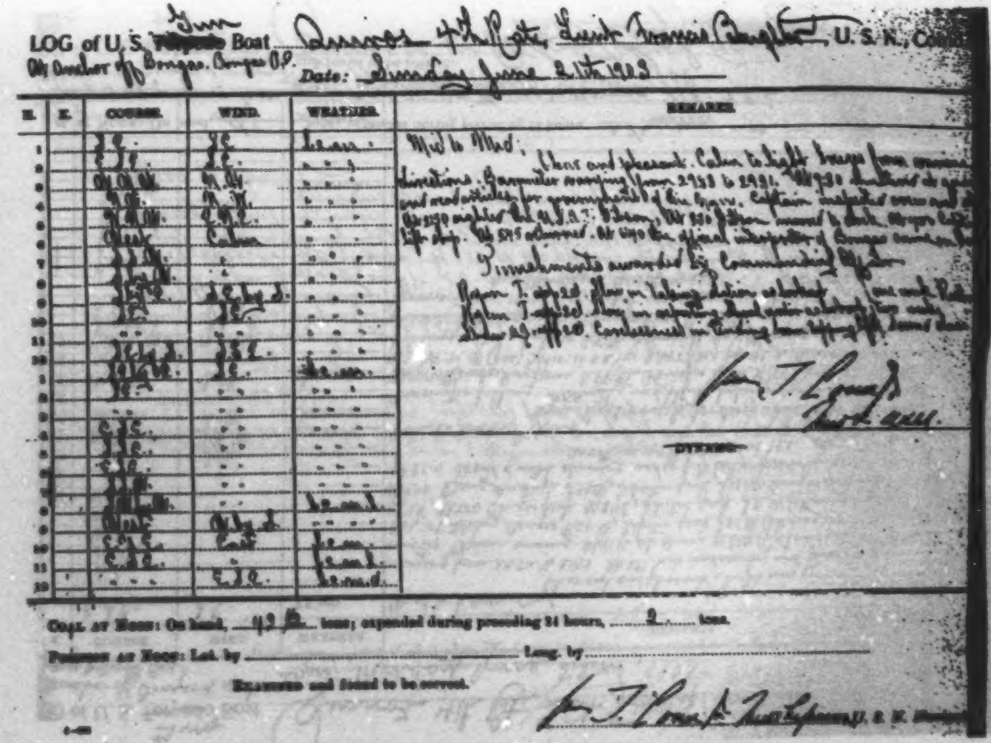
J. O. Rich[illegible]

COAL AT NOON: On hand, 45½ tons; expended during preceding 24 hours, 2 tons.

POSITION AT NOON: Lat. by ______ Long. by ______

EXAMINED and found to be correct.

U. S. N.



LOG of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate, Lieut Francis Boughter, U.S.N., Comd

At anchor off Bongao, Bongao P.I. Date: Sunday June 21th 1903

H.	K.	COURSE.	WIND.	WEATHER.
1		S.E.	S.E.	b.c.m.
2		S.E.	S.E.	" " "
3		W.N.W.	N.W.	" " "
4		N.E.	N.W.	" " "
5		W.N.W.	[illegible]	" " "
6		[illegible]	Calm	" " "
7		[illegible]	"	" " "
8		[illegible]	"	" " "
9		[illegible]	[illegible]	" " "
10		S.E.	S.E.	" " "
11		" "	" "	" " "
12		[illegible]	S.S.E.	" " "
1		[illegible]	S.E.	b.c.m.
2		S.E.	" "	" " "
3		" "	" "	" " "
4		S.S.E.	" "	" " "
5		S.S.E.	" "	" " "
6		S.S.E.	" "	" " "
7		[illegible]	" "	" " "
8		[illegible]	" "	b.c.m.
9		[illegible]	[illegible]	" " "
10		S.S.E.	East	b.c.m.
11		S.S.E.	"	b.c.m.
12		" " "	S.S.E.	b.c.m.

REMARKS.

Mid to Mid:

Clear and pleasant. Calm to light breeze from various directions. Barometer ranging from 29.53 to 29.91. At 9.30 [illegible] and [illegible] for [illegible] of the crew. Captain inspected crew and [illegible] At 2.50 [illegible] At 3.30 [illegible] to [illegible] life [illegible] At 5.15 [illegible] At 4.40 the official inspector of Bongao [illegible]

Punishments awarded by Commanding Officer

[illegible]

[illegible]

[illegible] Confinement [illegible]

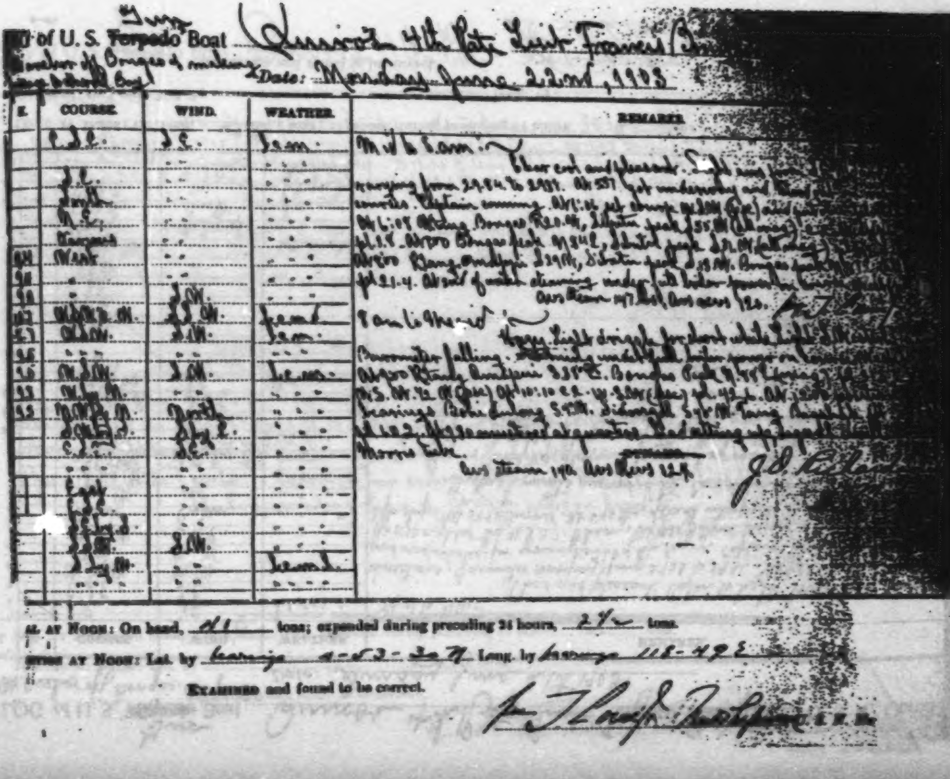
DYKING

COAL AT NOON: On hand, 43 [illegible] tons; expended during preceding 24 hours, 2 tons.

POSITION AT NOON: Lat. by ______ Long. by ______

EXAMINED and found to be correct.

U.S.N. [illegible]



[illegible] of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate Lieut Francis B[illegible]

Cruising off Bongao & making [illegible] Date: Monday June 22nd, 1903

H.	COURSE	WIND	WEATHER
	E.S.E.	S.E.	b.c.m.
		" "	" " "
	S.E.	" "	" " "
	South	" "	" " "
	N.E.	" "	" " "
	Various	" "	" " "
	[illegible]	" "	" " "
	"	" "	" " "
	"	S.W.	" " "
	[illegible]	S.S.W.	b.c.m.d.
	[illegible]	S.W.	b.c.m.
	" " "	" "	" " "
	W.S.W.	S.W.	b.c.m.
	W. by N.	" "	" " "
	[illegible]	North	" " "
	[illegible]	[illegible]	" " "
	[illegible]	S.E.	" " "
	" " "	" "	" " "
	East	" "	" " "
	E.S.E.	" "	" " "
	[illegible]	" "	" " "
	[illegible]	S.W.	" " "
	[illegible]	" "	b.c.m.d.
	" " "	" "	" " " "

REMARKS

M.N. to 8 a.m.

Clear cool and pleasant. [illegible]

Avg Steam 147 lbs, Avg revs 120.

8 a.m. to Meridian

[illegible]

Barometer falling. [illegible]

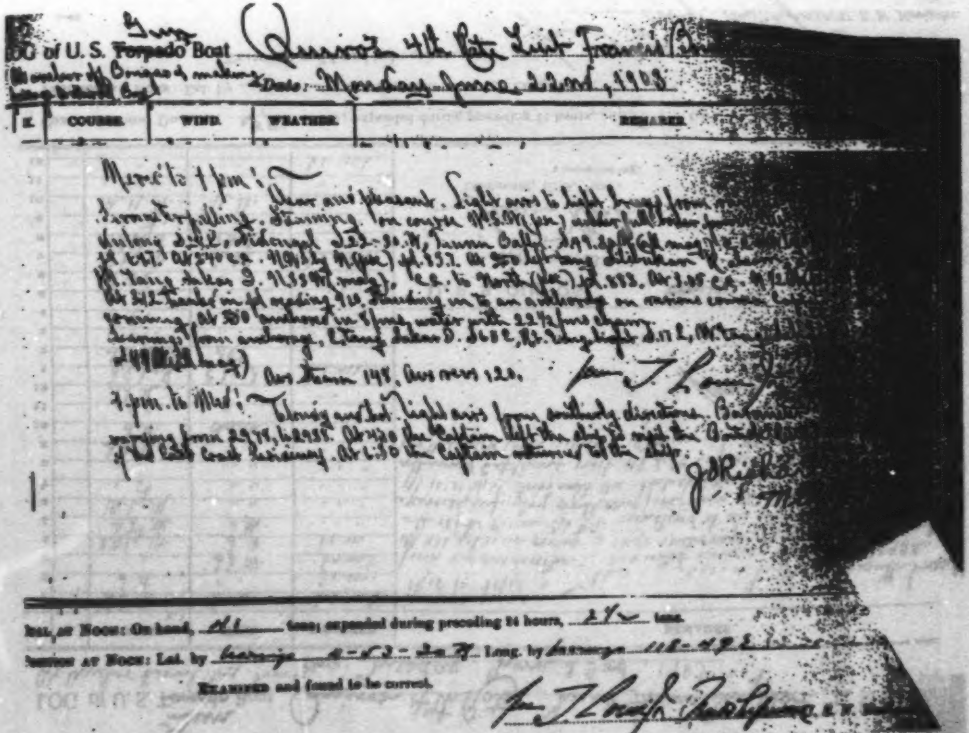
Avg Steam 148 Avg Revs 124.

[illegible] AT NOON: On hand, 41 tons; expended during preceding 24 hours, 2½ tons.

[illegible] AT NOON: Lat. by bearings 4-53-30 N Long. by bearings 118-49 E

EXAMINED and found to be correct.

U. S. N.



LOG of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate Lieut Francis [illegible]

(In cruise off Borneo & making [illegible]) Date: Monday June 22nd, 1903

H.	COURSE.	WIND.	WEATHER.	REMARKS.

Mer'd to 4 pm:~ Clear and pleasant. Light airs to light breeze from [illegible] Barometer falling. Steaming on course [illegible] [illegible] [illegible] [illegible] [illegible] At 3.40 [illegible] [illegible] [illegible] to North [illegible] At 3.05 [illegible] At 3.12 [illegible] [illegible] at 3.50 anchored in [illegible] water with 22½ fms chain. [illegible] from anchorage, [illegible] [illegible] Av. Steam 148, Av. revs 120. [illegible]

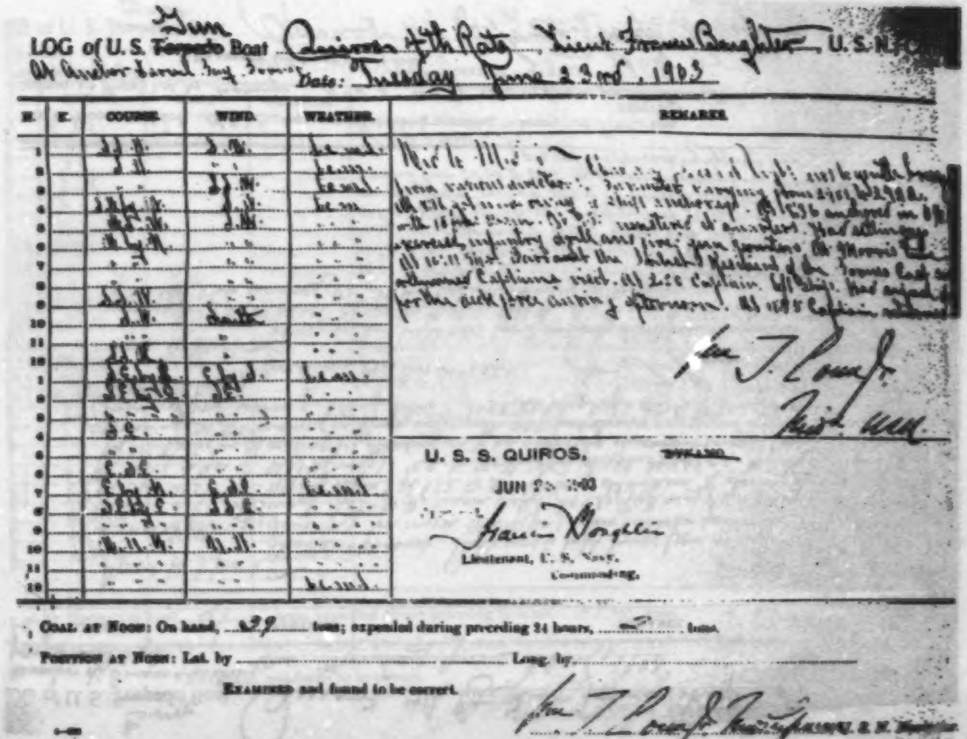
4 pm. to Mid:~ Cloudy and hot. Light airs from southerly directions. Barometer ranging from 29.78, to 29.88. At 4.20 the Captain left the ship to visit the [illegible] of the [illegible] [illegible]. At 6.30 the Captain returned to the ship. [illegible]

Coal at Noon: On hand, 41 tons; expended during preceding 24 hours, 2¾ tons.

Position at Noon: Lat. by bearings 4-53-30 N Long. by bearings 118-49 E

Examined and found to be correct.

[illegible] U. S. N.



LOG of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate, Lieut Francis Boughter, U.S.N.C
At Anchor [illegible] Date: Tuesday June 23rd, 1903

H.	K.	COURSE.	WIND.	WEATHER.
1		[illegible]	[illegible]	[illegible]
2		[illegible]	" "	[illegible]
3		" "	[illegible]	[illegible]
4		[illegible]	[illegible]	[illegible]
5		[illegible]	[illegible]	" " "
6		[illegible]	" "	" " "
7		" "	" "	" " "
8		" "	" "	" " "
9		[illegible]	" "	" " "
10		[illegible]	[illegible]	" " "
11		" "	"	" " "
12		[illegible]	"	" " "
1		[illegible]	[illegible]	[illegible]
2		[illegible]	[illegible]	" " "
3		" " "	" "	" " "
4		[illegible]	" "	" " "
5		" "	" "	" " "
6		[illegible]	" "	" " "
7		[illegible]	[illegible]	[illegible]
8		[illegible]	[illegible]	" " " "
9		" " "	" " "	" " " "
10		[illegible]	[illegible]	" " " "
11		" " "	" "	" " " "
12		" " "	" "	[illegible]

REMARKS.

[illegible] light [illegible] from variable directions. Barometer ranging from [illegible]. At 7.10 got under way & shifted anchorage. At 7.36 anchored in [illegible] with 15 fathoms chain. At [illegible] mustered at quarters. Had [illegible] exercised infantry drill and [illegible] At 10:11 [illegible] the Sultan [illegible] Capt. [illegible] At 2.30 Captain left ship. [illegible] for the sick [illegible] during afternoon. At [illegible] Captain [illegible]

Jno. T. Lowe Jr.
Midn. USN

U. S. S. QUIROS. ~~[illegible]~~

JUN 23 1903

Francis Boughter
Lieutenant, U. S. Navy,
Commanding.

COAL AT NOON: On hand, 29 tons; expended during preceding 24 hours, 2 tons.

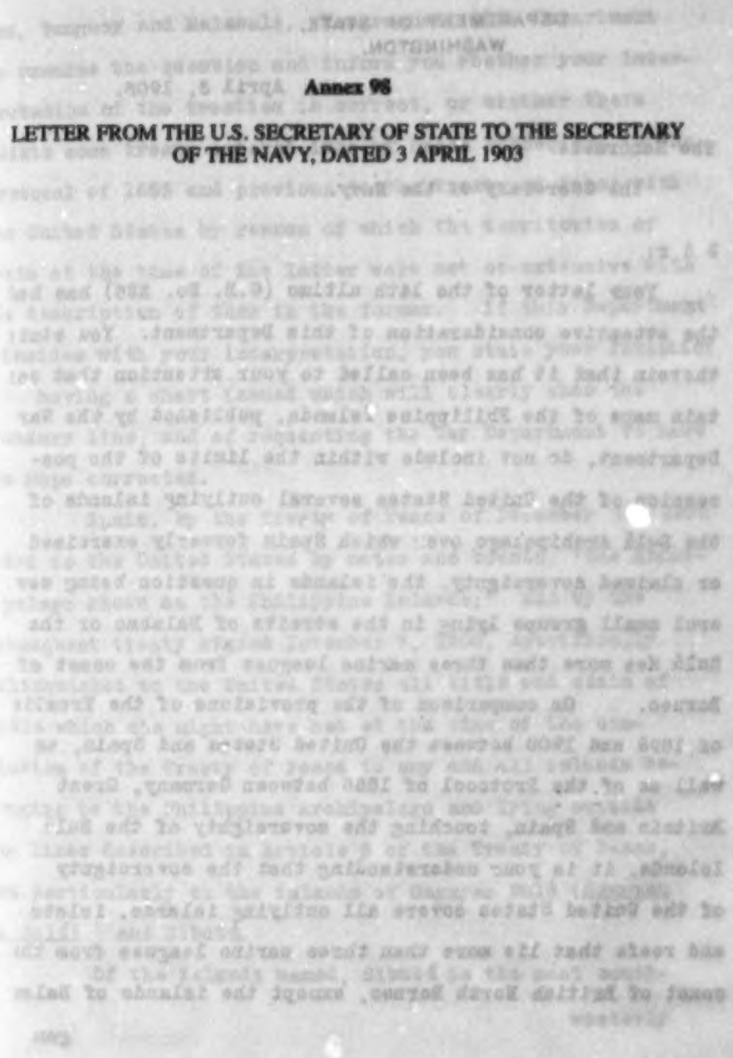
POSITION AT NOON: Lat. by ______ Long. by ______

EXAMINED and found to be correct.

Jno. T. Lowe Jr. [illegible], U. S. N. [illegible]

Annex 98

LETTER FROM THE U.S. SECRETARY OF STATE TO THE SECRETARY OF THE NAVY, DATED 3 APRIL 1903



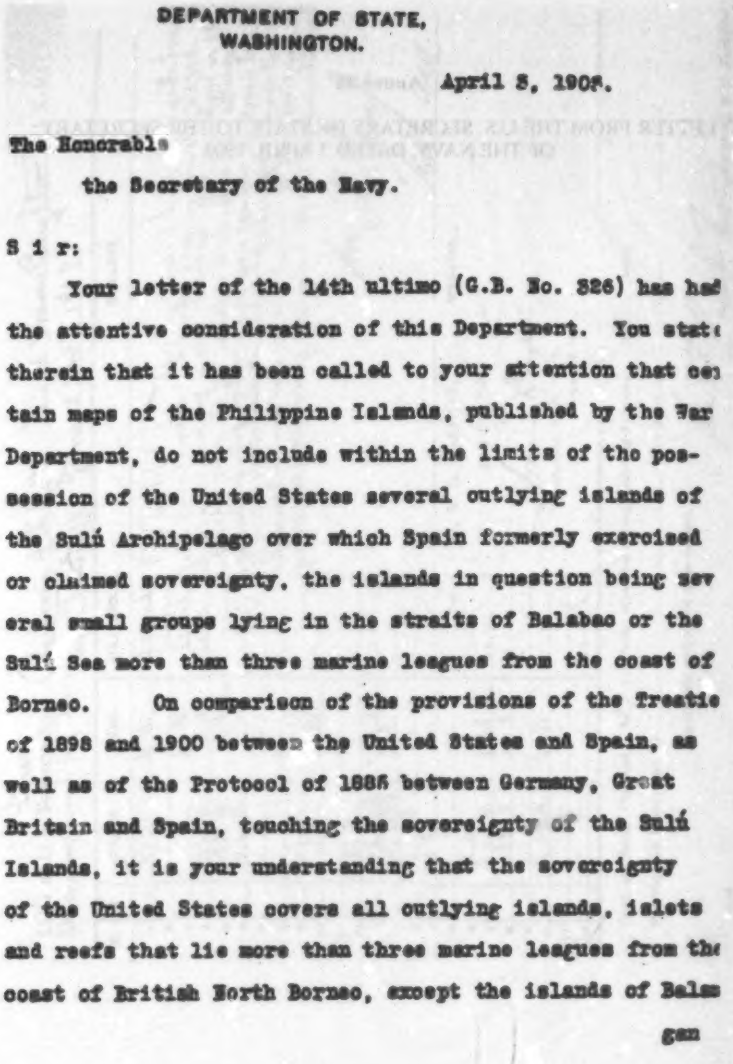
DEPARTMENT OF STATE,
WASHINGTON,
April 3, 1903.

The Secretary of the Navy.

Sir:

Your letter of the 14th ultimo (C.N. No. 285) has be the attentive consideration of this Department. You stat therein that it has been called to your attention that th late maps of the Philippine Islands, published by the War Department, do not include within the limits of the possession of the United States several outlying islands of the Sulu archipelago over which Spain formerly exercised or claimed sovereignty, the islands in question being several small groups lying in the straits of Balabac or the Sulu Sea more than three marine leagues from the coast of Borneo. On comparison of the provisions of the Treatie of 1898 and 1900 between the United States and Spain, as well as of the Protocol of 1885 between Germany, Great Britain and Spain, touching the sovereignty of the Sulu Islands, it is your understanding that the sovereignty of the United States covers all outlying islands, islets and reefs that lie more than three marine leagues from th coast of British North Borneo, except the islands of Bala

and



DEPARTMENT OF STATE,
WASHINGTON.

April 3, 1908.

The Honorable
the Secretary of the Navy.

Sir:

Your letter of the 14th ultimo (G.B. No. 326) has had the attentive consideration of this Department. You state therein that it has been called to your attention that cer tain maps of the Philippine Islands, published by the War Department, do not include within the limits of the possession of the United States several outlying islands of the Sulú Archipelago over which Spain formerly exercised or claimed sovereignty, the islands in question being several small groups lying in the straits of Balabac or the Sulú Sea more than three marine leagues from the coast of Borneo. On comparison of the provisions of the Treatie of 1898 and 1900 between the United States and Spain, as well as of the Protocol of 1885 between Germany, Great Britain and Spain, touching the sovereignty of the Sulú Islands, it is your understanding that the sovereignty of the United States covers all outlying islands, islets and reefs that lie more than three marine leagues from the coast of British North Borneo, except the islands of Balam

gan

gan, Banguey and Malawali. You request this Department to examine the question and inform you whether your interpretation of the treaties is correct, or whether there exists some treaty entered into by Spain subsequent to the Protocol of 1885 and previous to the Treaty of Peace with the United States by reason of which the territories of Spain at the time of the latter were not co-extensive with the description of them in the former. If this Department coincides with your interpretation, you state your intention of having a chart issued which will clearly show the boundary line, and of requesting the War Department to have its maps corrected.

Spain, by the Treaty of Peace of December 10, 1898 ceded to the United States by metes and bounds, "the Archipelago known as the Philippine Islands;" and by the subsequent treaty signed November 7, 1900, specifically relinquished to the United States all title and claim of title which she might have had at the time of the conclusion of the Treaty of Peace to any and all islands belonging to the Philippine Archipelago and lying outside the lines described in Article 3 of the Treaty of Peace, and particularly to the islands of Cagayan Sulú (Cagayan de Joló) and Sibutú.

Of the islands named, Sibutú is the most south-

westerly

westerly of the Sulú group proper, lying almost south of the eastern extremity of British North Borneo; while Cagayan de Sulú (identified as its name shows with the Sulú group) lies to the northwest of the main Archipelago, some distance north of the North Borneo mainland and to the eastward of the most northerly cape thereof.

Spain having thus relinquished to the United States all title and claim of title appertaining to her at the date of the Treaty of Peace, in and to the Sulú Archipelago, expressly naming two of the well-known Suluan Islands, it is proper in the first place to examine what title existed and was claimed by Spain to the Sulú Archipelago at that time, and, incidentally, to take note of any conventional recognition of Spanish title thereto on the part of other powers.

Spain's claim of seigniory and protection over the whole of the Sultanate of Sulú dates back several centuries, being coincident with the establishment of Spanish rule in the Philippines -- "for several centuries " until this day it [the Crown of Spain] has continued to " be their sole Lord and Protector" (Act of Submission of Sulu to Spain, April 19, 1851). Several capitulations between the Sultan of Sulú and Spain existed, particularly those concluded in 1737 which constituted Spain the ally and protector of the Sultan.

The

The extent of this Seigniory and Protectorate is defined in the Capitulations of Protection and Commerce between Spain and the Sultan of Sulú (in Spanish, Joló), signed September 23, 1836, by the Ist Article of which Spain guaranteed to the Sultan protection and armed aid " throughout the whole extent of the islands which lie " within the limits of Spanish right and which stretch " from the western extremity of Mindanao to Borney (Bor- " neo) and La Paragua,[x] with exception of Sandacan (San- " dacan) and the other territories tributary to the Sul- " tan on the mainland of Borney (Borneo)." Article II of those capitulations describes the status of Sulú as one of "friendship and protection which binds Sulu in sisterhood "to the Spanish provinces of the Philippines" and in furtherance of that sisterhood mutual favors of commerce and navigation were stipulated, - while the Sultan engaged to repress acts of piracy of his subjects against the Philippines.

On the same day that the foregoing capitulations were signed, September 23, 1836, Articles of Agreement were also drawn up, fixing the duties to be paid by vessels of Sulú in Manila and Zamboanga, and by Spanish vessels in Sulú. This agreement, which was ratified by the Governor Captain General of the Philippines, January 20,

1837,

---

[x] Now known as Palawan.

1837, is not material to the subject matter of the present letter. A translation of its text can be consulted by reference to the printed "Hearings before the Committee on the Philippines of the United States Senate," Senate Document, 331, 57th Cong., 1st Sess. - Part 3, page 2131 et seq.

Additional capitulations were signed between Spain and "the Sultan and Dattos of Joló" August 27, 1850, whereby the Sultan, for himself and his Dattos, engaged, - by Article I, not to grant to any foreign power "any por-" tion of the territory forming part of the group of isl-" ands which lie within the boundaries of Spanish right;" and, by Article II, not to cede any part of his tributary territories without the previous consent of Her Catholic Majesty (Isabel II).

In the following year, the territory of Sulú with its dependencies was annexed to the crown of Spain and joined to the Philippines Archipelago by formal capitulations entitled "Act of New Submission of the Sultan and " Dattos of Sulú to the Sovereignty of Her Majesty, signed " at Joló April 19, 1851." This annexation, which was declared to have been effected by conquest, was absolute and complete. The first article of this treaty may be quoted in full:

"Article I.

"Article I. The very excellent Sultan of
"Sulú (Joló) Mahamad Pulalon, for himself, his heirs
"and descendants; the Dattos Mahamad Bullo-Mulok,
"Daniel-Amil-Bajal, Ban-da-Jala, Mulok-Cajal, Amil Ba-
"ral, Tamangon, Yo-Han, Sana-Ya-Han, Naip, Mamancha
"and the Serib Mahamad Binsarin, of their spontaneous
"and free will declare: that, to the end of making
"reparation for the outrage done to the Spanish na-
"tion on the first day of January of the present year,
"they desire and entreat that the island of Sulú (Joló)
"with all its dependencies be incorporated with the
"Crown of Spain which in the last several centuries
"has been and now is its sole Lord and Protector; mak-
"ing anew on this day a solemn act of adhesion and sub-
"mission, recognizing Her Catholic Majesty Doña Isabel
"II, Constitutional Queen of all the Spains, and those
"who may succeed her in that Supreme dignity, as their
"Sovereigns, Lords and protectors as they are of right
"not only under the treaties concluded in remote epochs
"and that of one thousand eight hundred and thirty-six
"and the additional provisions made by the present Gov-
"ernor of Zamboanga in August last, but also particular-
"ly in virtue of the recent conquest of Sulú (Joló) ef-
"fected on the twenty-eighthof February of the present

year

"year by the Most Excellent Señor D. Antonio de Urbistondo, Marquis de la Solana, Governor Captain General "of the Philippine Islands."

The remaining articles of this Act of Submission are no less explicit as to the sovereignty of Spain.

By Article II the Sultan and Dattos pledge themselves to maintain in its entirety the territory of Sulu and its dependencies "as part of the archipelago belonging "to the Spanish Government."

Article III reads thus:

> "The Island of Sulú (Joló) with all its dependencies being incorporated with the crown of Spain "and its inhabitants forming part of the great Spanish "family which peoples the vast Philippine Archipelago, "the Sultan and Dattos are not competent to enter into or sign treaties, commercial conventions or alliance of any kind with European Powers, companies or "persons, corporations and Malay Sultans and Chiefs, "under penalty of nullity; they declare null and void "each and every treaty entered into with another Power "if the same be prejudicial to the ancient and indisputable rights which Spain possesses over the whole "of the Sulu archipelago as a part of the Philippines

Archipelago

"Archipelago; and they ratify, renew and continue in "all their force and validity any instruments heretofore drawn up which contain any provision in favor "of the Spanish Government from the most remote times."

Article V stipulates that the war-flag of Spain shall alone be used in the dominions of Sulú.

"Article VI. The Island of Sulú (Joló) and its "dependencies being declared an integral part of the "Philippine Archipelago which belongs to Spain, freedom "of trade, under the Spanish flag, is conceded in all "the ports dependent upon the Sultanate, without restriction of any kind, as is done in the Ports of the "Nation."

Article VII prohibits the unauthorised construction of fortifications and the traffic in fire arms, because of the Sultan and Dattos of Sulú "having recognised "the sovereignty of Spain over their territory, which sovereignty is now strengthened and confirmed (robustecida), not "alone by the right of conquest but also by the clemency of "the conqueror."

Article VIII provides for issuing Royal Spanish Commissions to the Sultan and Dattos.

By

By Article IX the Spanish Government guarantees to the Sultan and the inhabitants of Sulú the free practice of their religion and customs.

By Article X the Spanish Government guarantees the succession of the Sultan and the dignitaries of Sulú.

Article XI gives to the vessels and goods of Sulú in Spanish ports the same rights as enjoyed by the ships and goods of the Philippines.

The situation created by the Act of Submission of 1851 was interrupted by an insurrectionary movement in 1878. On its suppression, capitulations of peace and submission to the sovereignty of Spain were concluded by the Sultan and Dattos on July 22, 1878. Article I of that instrument reads:

> "We [the Sultan and Dattos] declare the sovereignty of Spain in all the Archipelago of Sulú (Joló) and its dependencies not to be open to question (indiscutibles), and as the natural consequence of this fact we constitute ourselves loyal subjects of His Majesty the King Don Alphonso XII, and his successors in power."

No further capitulations between Spain and Sulú are found.

From

From the foregoing, the absolute sovereignty of Spain over the whole of the Sulú Archipelago and its dependencies appears to have been established, by conquest and capitulation, since 1851, putting Spain in a position to make valid relinquishment of title and claim of title thereto in favor of the United States.

The territorial limitations of this title and claim of title are ascertainable from the Protocol entered into by Spain with Great Britain and Germany in 1885.

In 1877 a protocol with those countries was concluded in settlement of difficulties which had grown out of Spanish interference with British and German vessels trading with the Sulú Archipelago. It does not contain any definition of the Spanish territorial claim which was general as to the whole of Sulú and its dependencies.

Declaration I of this Protocol, signed in the French language at Madrid, March 11, 1877, reads:

> "Commerce and direct trade of the vessels and subjects of Great Britain, Germany and — other Powers "with the Archipelago of Sulu (Joló), and in all parts "thereof, as well as the right of fishery, without "prejudice to the rights of Spain acknowledged by the "present Protocol, are declared to be and shall be "absolutely free."

The

The rights so acknowledged were those pertaining to —— sovereignty and exercisable by Spain in "the points "occupied by Spain in the Archipelago of Sulú," with which places free trade and fishing were restricted, while provision was made for their subsequent exercise "in case "Spain should effectively occupy other points in the Archipelago of Sulú" of which occupation notice was to be given. (Declaration III).

The effect of the Protocol of 1877, therefore, was, while asserting and obtaining acknowledgment of sovereign rights on the part of Spain in all the Archipelago of Sulú and its dependencies, to stipulate that Spain would not exercise those rights against the vessels of Great Britain, Germany and other Powers trafficking with places not then or thereafter under the effective administration of Spain. It recognised the right of Spain to establish such administration, at will, anywhere in the Archipelago and its dependencies, and to enforce tariff duties and regulations therein.

The later Protocol (also in the French language) signed at Madrid, March 7, 1885, by the representatives of Spain, Germany and Great Britain, is more explicit on the point of sovereignty, besides containing a precise definition

tion of the territorial claim of Spain in the Sulú Archipelago. Articles I, II, and III, which deal with the matter of sovereignty, read thus:

Article I.

"The Governments of Great Britain and Germany "recognise the sovereignty of Spain over the places "effectively occupied, as well as over those places "not yet so occupied, of the Archipelago of Sulú (Joló) "whereof the boundaries are determined in Article II.

Article II.

"The Archipelago of Sulú (Joló), conformably to "the defintion contained in Article I of the Treaty "signed the 23d of September 1836, between the Spanish Government and the Sultan of Sulú (Joló), comprises all the islands which are found between the "western extremity of the Island of Mindanao on the "one side, and the continent of Borneo and the Island "of Paragua (Palawan) on the other side, with exception of those which are indicated in Article III.

"It is understood (entiende) that the Islands of "Balabac and of Cagayan-Joló form part of the Archipelago."

Article III.

"The Spanish Government relinquishes as far as "regards the British Government, all claim of sovereign-"ty over the territories of the Continent of Borneo "which belong, or which have belonged in the past to "the Sultan of Sulú (Joló), including therein the "neighboring Islands of Balambangan, Banguey and Mala-"wali, as well as all those islands lying within a Zone "of three marine leagues along the coasts, and which "form part of the territories administered by the "Company styled British North Borneo Company."

Article IV textually recites and confirms the trading and fishing concessions contained in Declarations I, II and III of the prior Protocol of March 11, 1877.

This Protocol continued to define the relations of Spain, Great Britain and Germany with respect to the intercourse of foreign vessels with the Sulú group until the date of the signature of the Treaty of Peace between the United States and Spain on December 10, 1898. An amendment, or explanatory construction was agreed upon by the three powers on March 30, 1897, and is printed in the Gaceta de Madrid of March 21st as a formal protocol. Its purport is to admit the right of Spain to prohibit, upon giving notice, all traffic, without distinction of flag, in firearms, munitions and alcoholic liquors throughout

the

the Archipelago of Sulú, including those parts not under the effective administration of Spain. The concluding paragraph of this additional protocol of 1897 reads:

"With this construction, the aforesaid Protocol "of March 7, 1885, remains in force in all its parts, "without change of any kind."

Careful search has failed to show any later protocol on the subject between Spain, Germany and Great Britain, or any act bearing upon the title of Spain to the Sulú Archipelago.

As the result of the examination herein summarized, I have the pleasure to concur in your interpretation of the treaties mentioned in your letter. My views may be thus summed up:

1. The capitulations of 1878 assert and confirm the full seigniory and protectorate of Spain over the Sulú Archipelago and all its tributaries and dependencies, with guarantee of armed aid to the Sultan in all of the "islands which lie within the limit of Spanish right, and "which stretch from the western extremity of Mindanao to "Borney (Borneo) and la Paragua (Palawan)" while withholding that guarantee from the tributary territories of the Sultan on the mainland of Borneo;

2. This seigniory and protectorate of Spain over Sulú became converted in 1851 by conquest and annexation, into full sovereignty.

3.

3. This sovereignty was reaffirmed by the Act of Submission of the Sultan and Dattos of Sulu in July, 1878, after which time no change occurred in the relation of Sulú to Spain.

4. The Protocol of 1877, between Spain, Great Britain and Germany recognized the sovereignty of Spain over all the Sulú Archipelago, merely stipulating for certain favors to foreign shipping in the places effectively occupied by Spain, and for the exemption of all foreign shipping from Spanish administrative control in all places not effectively so occupied.

5. The Protocol of 1885 between the same Powers (a) expressly recognized the sovereignty of Spain over all parts of the Sulú Archipelago then or thereafter to be effectively occupied by Spain; (b), defined the limits of the Archipelago as extending from Mindanao to Borneo and Palawan and including Balabac and Cagayan-Joló; but (c), relinquished, so far as Great Britain was concerned, all claim of sovereignty derived from the past sovereignty of the Sultan of Sulú over territory on the mainland of Borneo, and, in addition, over the islands of Balambangan, Banguey and Malawali, together with a water strip three marine leagues in width along the coasts of the Bornean mainland - then under control of the British North Borneo Company.

Company.

6. The later Protocol of 1897 between the same Powers confirms the protocol of 1885, with an amendment recognising the sovereign capacity of Spain to enforce at will a general prohibition of traffic in arms, munitions and alcoholic liquors throughout all parts of the Sulú Archipelago, whether effectively occupied by Spain or not.

7. The Spanish Government was, therefore, at the time of the signature of the Treaty of Peace, December 10, 1898, fully seized of sovereignty over the whole of the Sulú Archipelago up to three marine leagues of the mainland coasts of British North Borneo, with exception of the three named islands of Balambangan, Banguey and Malawali, as to which latter Spain had relinquished, so far as Great Britain was concerned, all claim of sovereignty; and was competent to cede, and did in fact cede and relinquish to the United States, by the Treaties of 1898 and 1900 all title and claim of title she then possessed in and to the Sulú Archipelago.

For your convenient reference I append carefully revised translations of the several capitulations, acts and protocols herein cited.

I have the honor to be, Sir,

Your obedient servant

John Hay

Enclosures:

Enclosures:

1. Agreement between Spain and Sulú, February 1, 1737.

2. Capitulations of Peace and Commerce between Spain and Sulú, September 23, 1836.

3. Capitulations between Spain and Sulú, August 27, 1850

4. Act of Submission and Annexation, April 19, 1851.

5. Capitulations of Peace and Submission, July 22, 1878.

6. Protocol between Spain, Great Britain and Germany, March 11, 1877.

7. Protocol between Spain, Great Britain and Germany, March 7, 1885.

8. Protocol between Spain, Great Britain and Germany, March [illegible] 1897.

Annex 99

AGREEMENT BETWEEN THE SULTAN OF SULU AND THE BRITISH NORTH BORNEO COMPANY DATED 22 APRIL 1903 (ENGLISH TRANSLATION)

WE the Sultan of Sulu &c.state with truth and clearness that we have ceded to the Government of British North Borneo of our own pleasure all the islands that are near the territory of North Borneo from Banguey Island as far as Sibuko Bay. These are the names of them: Muliangin, Muliangin, Muliangin Kechil, Malawali, Tegabu, Bilian, Tegaypil, Lang Kayen, Boan, Lehiman, Bakungan, Bakungan Kechil, Libaran, Taganack, Beguan, Mantanbuan, Gaya, Omadal, Si Amil, Mabol, Kepalai, Dinawan and the other islands that are situated alongside, or round or between the islands that are above mentioned.

This is done because the names of the islands were not mentioned in the agreement made with Baron de Overbeck and Mr.Alfred Dent on the 19th Maharam 1295, corresponding with the 22nd January 1878. It was known and understood between the two parties that the islands were included in the cession of the districts and islands mentioned in the above stated Agreement.

Now because what is above written is true and certain, we have set our seal to this notification.

Made at Sandakan 22nd April, 1903.

Signature of the Sultan.

(Sd) A.Cook, for Government
subject to H.E's approval.

22.4.03.

Approved
E.W.Birch
Governor
29.4.03.

Cession money $300 a year

Arrears for past occupation $3,200.

Annex 100

CORRESPONDENCE FROM THE CAPTAIN OF U.S.S. *QUIROS* DATED 19 AND 24 JUNE 1903

No. 50. COPY U.S S. "Quiros",

Sandakan, B. N. Borneo.

19th June 1903.

Sir,

During the recent cruise of this vessel to the Northward, I visited a number of islands belonging to the United States among others the island of Great Bakkungaan. Upon my arrival there I noticed the British Ensign (red) with the badge of the British North Borneo Company in the fly, hoisted over one house; and a blue flag with the same device in the center, flying over another. I was met, upon landing, by, apparently the head man whose name, as nearly as I could ascertain, is Panglima Dubin.

2. In order to correct any misapprehension that might exist in the minds of the natives regarding the sovereignty of the island, I indicated to the Panglima as clearly as possible under the circumstances, the islands lying within the boundary of British North Borneo, i.e. a line three marine leagues or nine sea miles from the coast of the mainland, and those lying without that boundary, explaining that the former were British and the latter American. Although in the absence of an interpreter, communication was difficult, I think the Panglima understood my explanation in all essentials. I gave him a United States Ensign and posted a tablet recording the visit of the ship

3. The natives were, apparently, apprehensive of trouble at seeing the "Quiros" approach. As they probably, like others similarly situated, spend a portion of their time upon the mainland I beg to request that, should occasion arise, you will cause them to be informed that the purposes of visits to their island by United States men-of-war are entirely peaceful.

I have, etc.,
(signed) Francis Boughter,
Lieut. U.S.A. Commanding.

O-in-Charge.
Sandakan.

([illegible] by [illegible])
July 27. 1903

Hoisting of American Flag
on N. Borneo Islands

Two letters addressed to the

COPY

No. 59.

U.S.S. "Quiros",
Sandakan. B. N. Borneo.
19th June 1903.

Sir,

Referring to your letter of this date acknowledging the receipt of my communication concerning the recent visit of this vessel to the Islands of Great Bakkungaan:

2. In order that His Excellency the Governor of British North Borneo may be fully informed, I beg to state that, in addition to the islands above named, I visited the islands Taganak, Lihiman, Sibaung and Lankayan, all under the sovereignty of the United States of America upon each of which I erected a tablet recording the visit of the ship.

3. It is my intention to visit other American Islands in this vicinity at some future date.

I have the honor to be, Sir,
Very Respectfull , Your obedient servant,
(signed) Francis Boughter
Lieutenant, United States Navy
Commanding.

To Officer in Charge,
Sandakan, British North Borneo.

No. 60.

U.S.S. "Quiros"
Lahat Dato, B.N.Borneo
June 24th.1903.

Sir,

Referring to our conversation of yesterday, in relation to the administration, through native chiefs resident therein, of the islands of Tatagan & Cinawan, by the British North Borneo Company, I beg to present the following facts for your consideration.

By the protocol of 1885 between Great Britain, Germany and Spain, the boundary between the possessions of Spain and Great Britain in this locality was defined as a line drawn at a distance of three maritime leagues from the coast of Borneo. By treaties entered into after the close of the Spanish-American War, the United States of America succeeded to all Spanish possessions in this locality.

3. An inspection of the chart shows both these islands as lying outside of the boundary above cited in that they lie more than nine sea miles from the nearest point of Bornean mainland. They must therefore be considered as under the sovereignty of the United States of America in the same manner as islands lying within that boundary must be considered as under the sovereignty of Great Britain. As I understood you, the administration of Tatagan and Dinawan by the British North Borneo Company is a condition which has existed for some time past. I should be much indebted to you for any information as to the date when such administration began.

4. I shall visit, shortly, the islands mentioned, as well as others within our boundary for the purpose of collecting information regarding them. The present status of affairs will be referred to my immediate superior, the squadron

Commander [illegible]

Commander in the Philippines.

I have etc.

sd. Francis Boughter

Lieutenant U.S.Navy

Commanding.

Edward Barrant Esq.,

Resident, East Coast Residency,

British North Borneo.

Copy of telegram.

Governor,
Jesselton.

American gunboat Quiros here Commander claims sovereignty over Tatagan and Dinawan islands as being more than nine sea miles from nearest point on Borneo mainland. Informed him we (American commander of Quiros) have always administered these islands since our advent. Spanish never claimed or exercised sovereign rights.

sd. [illegible] Darrant.

Copy.

Genl. 62/03

Resident's Office,
Lahat Date
Darvel Bay 24th.June 1903.

Sir,

I beg to acknowledge the receipt of your letter No.60 of today's mail pointing out that the islands of Taguan & Dinawan are lying outside the boundary of three maritime leagues from the coast of Borneo and therefore you consider them as under the sovereignty of the United States of America. Your despatch I am forwarding to His Excellency the Governor.

These islands have always been administered by us since our advent here and the Spanish have never claimed or exercised any sovereign rights over them as far as I know.

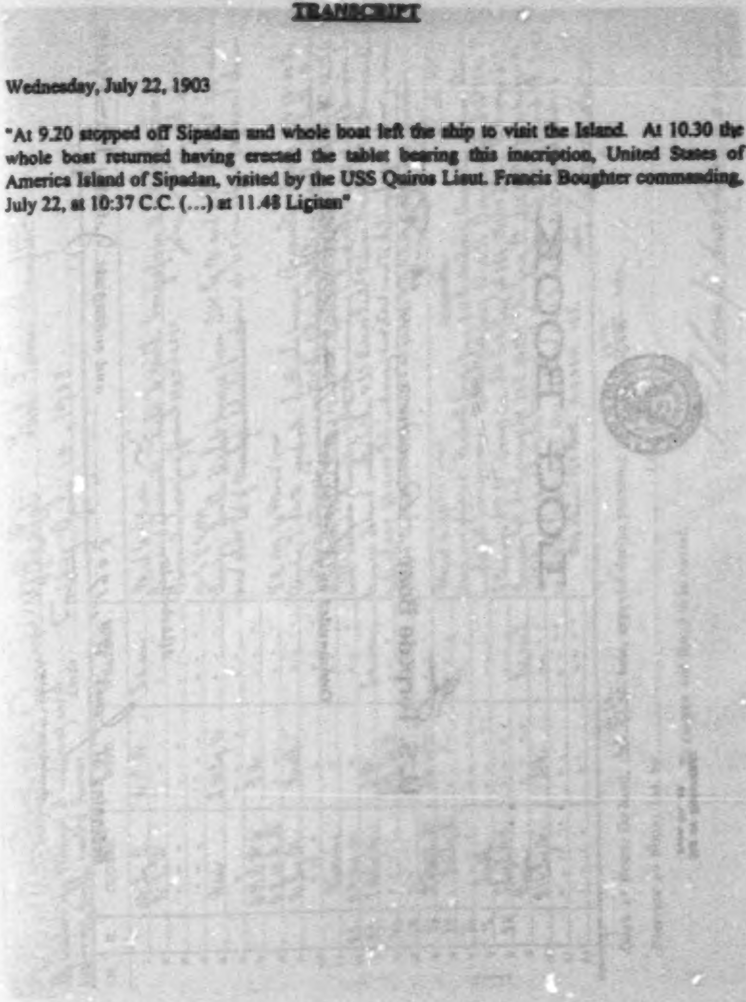
I have etc.
sd. E.H.Barraut
Resident E.C.

Lieut. Boughter
Commanding U.S.S."Quiros"
Lahat Date

Annex 101

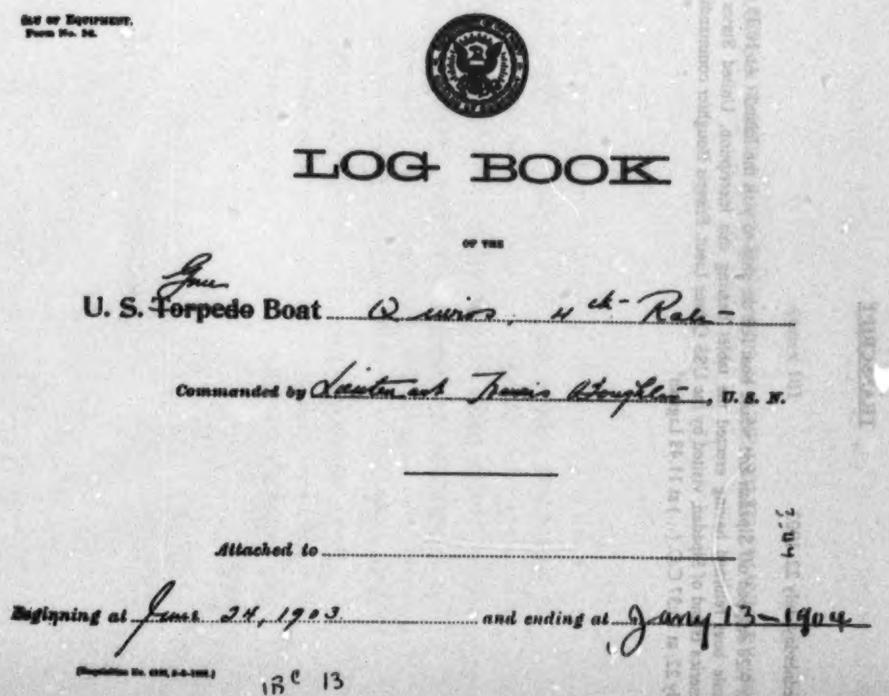
LOG BOOK OF U.S.S. *QUIROS* DATED 24 JUNE 1903 TO 13 JANUARY 1904

TRANSCRIPT



Wednesday, July 22, 1903

"At 9.20 stopped off Sipadan and whole boat left the ship to visit the Island. At 10.30 the whole boat returned having erected the tablet bearing this inscription, United States of America Island of Sipadan, visited by the USS Quiros Lieut. Francis Boughter commanding, July 22, at 10:37 C.C. (…) at 11.48 Ligitan"



Bur. of Equipment.
Form No. 24.

LOG BOOK

OF THE

U. S. Gun ~~Torpedo~~ Boat Quiros, 4th Rate –

Commanded by Lieutenant Francis Boughter, U. S. N.

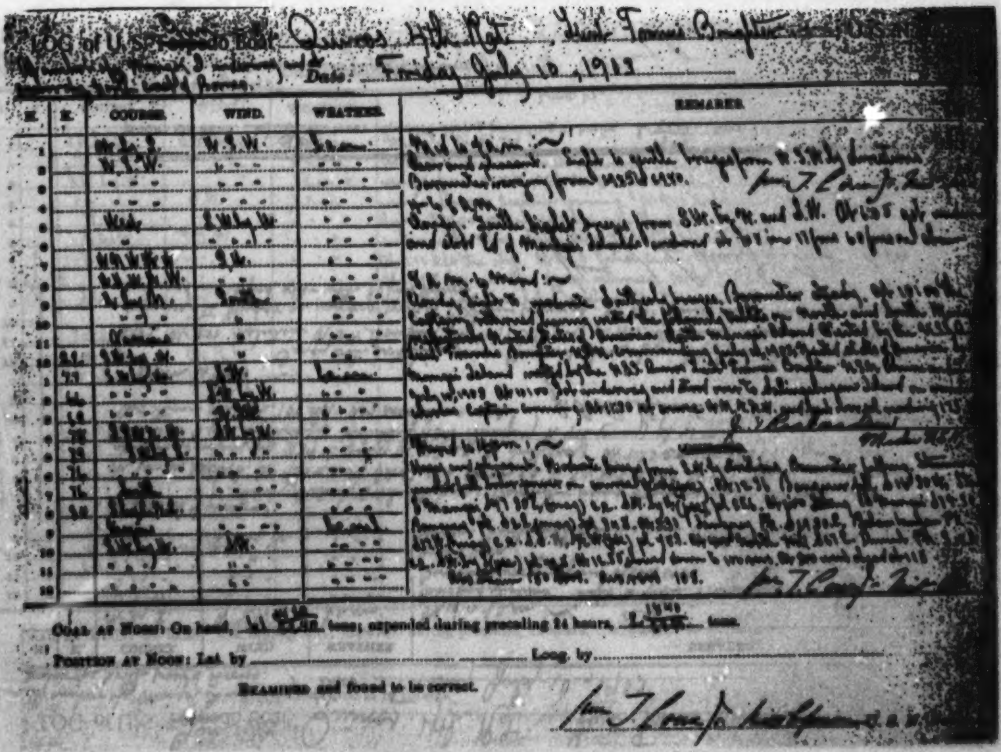
Attached to

Beginning at June 24, 1903 and ending at Jany 13 – 1904

3.04

(Regulation No. [illegible])

18c 13



LOG of U.S. [illegible] Quiros 4th Rate, [illegible] Commanding

[illegible]

Date: Friday July 10, 1903

H.	K.	COURSE.	WIND.	WEATHER.
1		[illegible]	W.S.W.	[illegible]
2		W.S.W.	[illegible]	[illegible]
3		[illegible]	[illegible]	[illegible]
4		[illegible]	[illegible]	[illegible]
5		[illegible]	[illegible]	[illegible]
6		[illegible]	[illegible]	[illegible]
7		[illegible]	[illegible]	[illegible]
8		[illegible]	[illegible]	[illegible]
9		[illegible]	[illegible]	[illegible]
10		[illegible]	[illegible]	[illegible]
11		[illegible]	[illegible]	[illegible]
12	[illegible]	[illegible]	[illegible]	[illegible]
1	[illegible]	[illegible]	[illegible]	[illegible]
2	[illegible]	[illegible]	[illegible]	[illegible]
3	[illegible]	[illegible]	[illegible]	[illegible]
4	[illegible]	[illegible]	[illegible]	[illegible]
5	[illegible]	[illegible]	[illegible]	[illegible]
6	[illegible]	[illegible]	[illegible]	[illegible]
7	[illegible]	[illegible]	[illegible]	[illegible]
8	[illegible]	[illegible]	[illegible]	[illegible]
9		[illegible]	[illegible]	[illegible]
10		[illegible]	[illegible]	[illegible]
11		[illegible]	[illegible]	[illegible]
12		[illegible]	[illegible]	[illegible]

REMARKS.

Mid to 4 a.m.:~ [illegible] Light to gentle breeze from W.S.W. [illegible] Barometer [illegible]

4 to 8 a.m. [illegible] from S.W. [illegible] and S.W. [illegible]

8 a.m. to Meridian:~ [illegible]

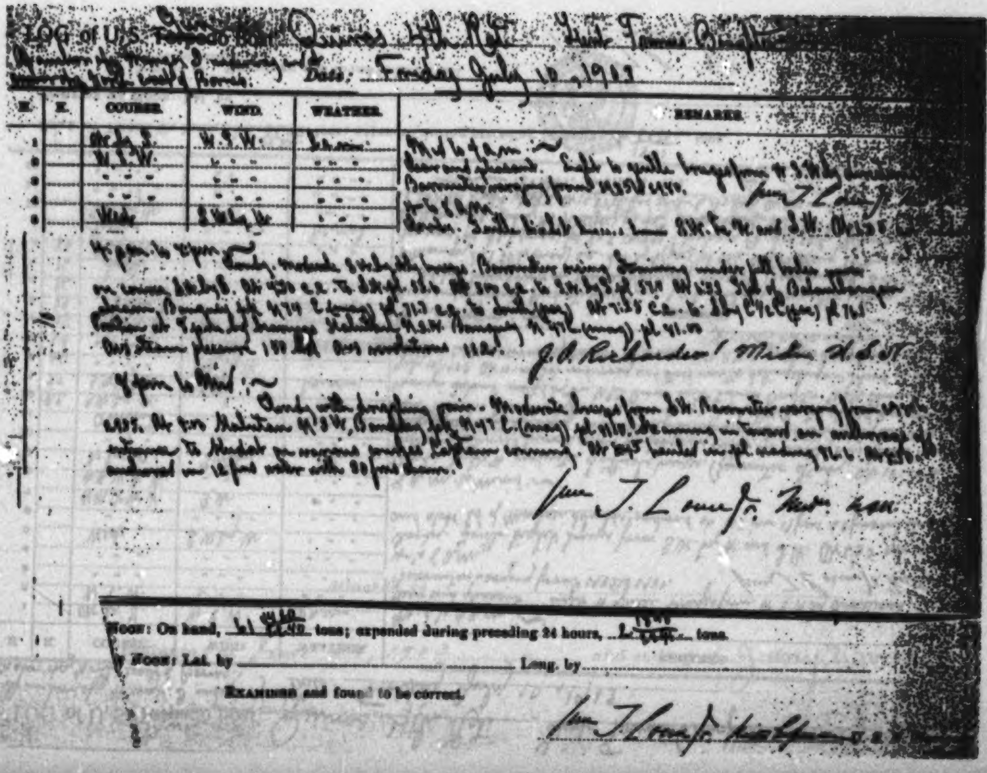
Meridian to 4 p.m.:~ [illegible]

[illegible] 108.

Coal at Noon: On hand, [illegible] tons; expended during preceding 24 hours, [illegible] tons.

Position at Noon: Lat. by ______ Long. by ______

Examined and found to be correct.



LOG of U.S. ~~Torpedo Boat~~ Gunboat Quiros 4th Rate, Lieut. Thomas [illegible] Commanding, [illegible] cruising [illegible] coast of Borneo. Date: Friday July 10, 1903

H.	K.	COURSE.	WIND.	WEATHER.
1		W by S	W.S.W.	b.c.
2		W.S.W.	" "	" "
3		" "	" "	" "
4		" "	" "	" "
5		Var.	S.W. by W	" "

REMARKS.

Mid to 4 a.m.:~ Clear and pleasant. Light to gentle breeze from W.S.W. [illegible] Barometer varying from 29.85 to 29.90. Wm. T. Lowe Jr.

4 to 8 a.m. Cloudy. Gentle [illegible] breeze [illegible] S.W. to W. and S.W. At 5:30 [illegible]

4 p.m. to 8 p.m. Cloudy, moderate S.W. by W. breeze. Barometer rising. Steaming under full boiler power on course S.W. by S. At 4:20 c.c. to S.W. [illegible] At 5:10 c.c. to S.W. by S. [illegible] At 6:22 [illegible] Sighted [illegible] [illegible] bearing [illegible] [illegible] At 7:13 c.c. to [illegible] At 7:25 c.c. to [illegible] [illegible] Sipadan [illegible] bearing [illegible] [illegible] bearing [illegible] at 41.70. Av. steam pressure 170 lbs. Av. revolutions 112. J. A. Richardson, Midn. U.S.N.

8 p.m. to Mid:~ Cloudy with [illegible] rain. Moderate breeze from S.W. Barometer varying from 29.90 to 29.95. At 9:10 Mabul [illegible] N.3 W., [illegible] 11.10. Steaming in toward an anchorage off entrance to [illegible] [illegible] [illegible]. At 9:45 hauled in [illegible] [illegible]. At 10:[illegible] anchored in 12 feet water with 30 fms chain.

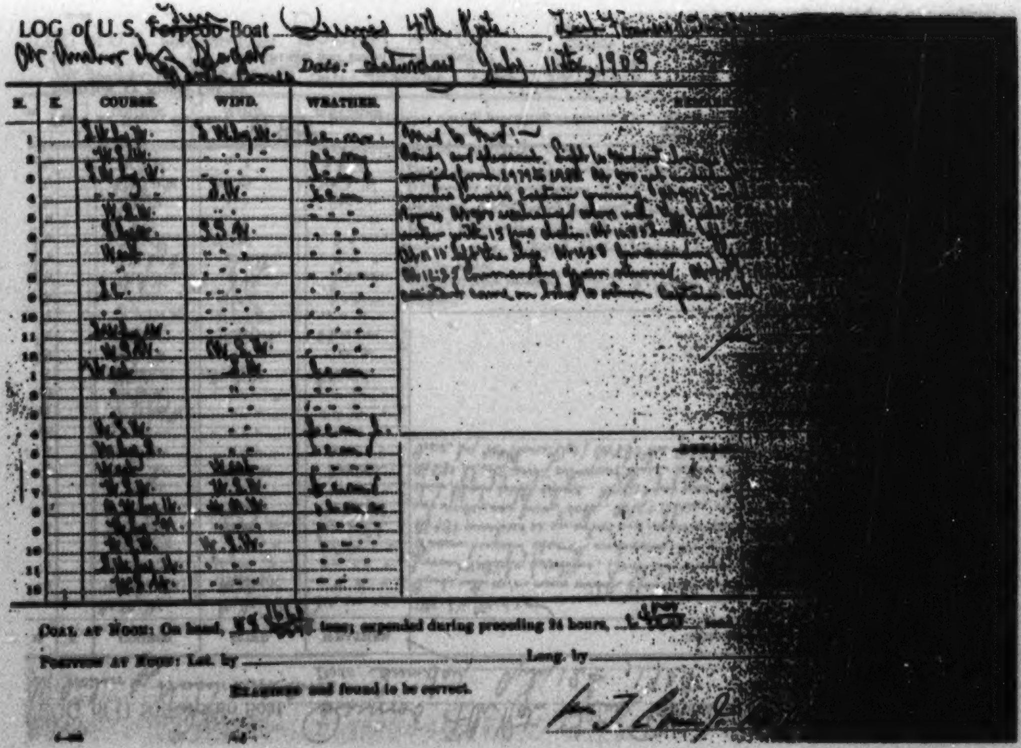
Wm. T. Lowe Jr. Midn. U.S.N.

Noon: On hand, 61 [illegible] tons; expended during preceding 24 hours, [illegible] tons.

Noon: Lat. by ______ Long. by ______

Examined and found to be correct.

Wm. T. Lowe Jr. [illegible] U.S.N.



LOG of U.S. ~~Torpedo~~ [illegible] Boat [illegible] 4th Rate [illegible]

[illegible] Date: Saturday July 11th, 1909

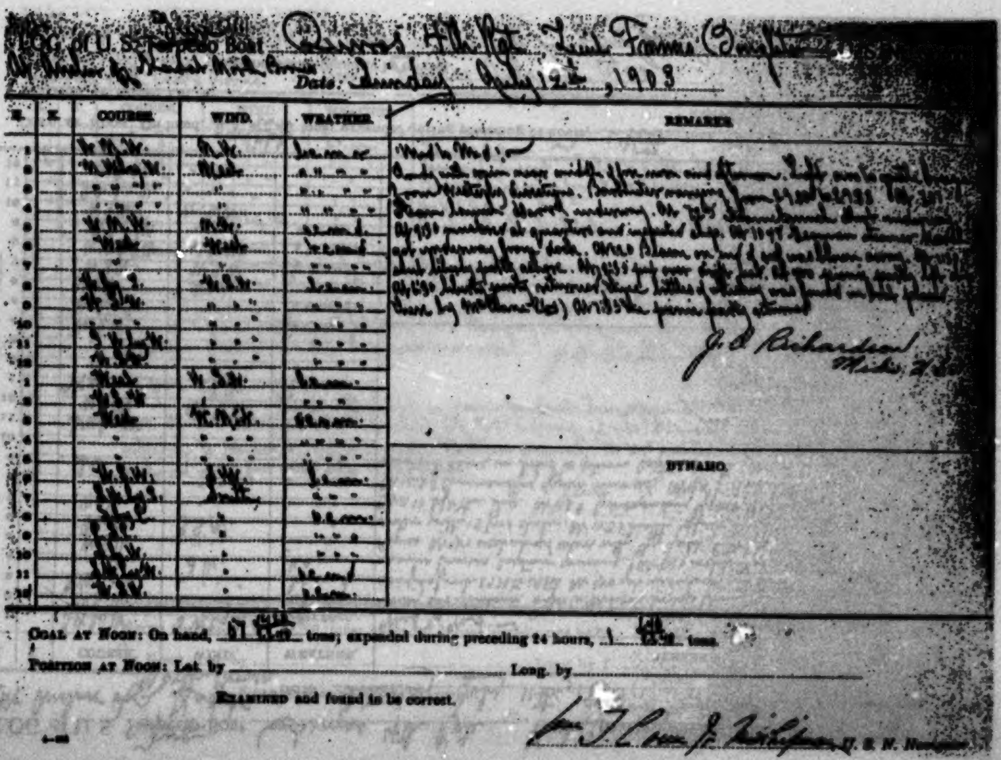
H.	K.	COURSE.	WIND.	WEATHER.
1		S.W. by W.	S.W. by W.	b.c.
2		W.S.W.	. . .	[illegible]
3		S.W. by W.	. . .	[illegible]
4		. . .	S.W.	[illegible]
5		W.S.W.	. .	. . .
6		[illegible]	S.S.W.	. . .
7		West	. . .	. . .
8		.	. . .	. . .
9		S.W.	. . .	. . .
10		. .	. . .	. . .
11		S.W. by W.	. . .	. . .
12		W.S.W.	W.S.W.	. . .
1		West	S.W.	b.c.
2		.	. .	. . .
3			. .	. . .
4		W.S.W.	. .	[illegible]
5		[illegible]	. .	[illegible]
6		[illegible]	[illegible]	. . .
7		W.S.W.	W.S.W.	[illegible]
8		[illegible]	W.S.W.	[illegible]
9		[illegible]	. . .	. . .
10		W.S.W.	W.S.W.	. . .
11		S.W. by W.	. . .	. . .
12		W.S.W.	. . .	. . .

[illegible]

COAL AT NOON: On hand, [illegible] tons; expended during preceding 24 hours, [illegible]

POSITION AT NOON: Lat. by ______ Long. by ______

EXAMINED and found to be correct.



LOG of U.S. Torpedo Boat

Date: Sunday July 12th, 1903

H.	K.	COURSE.	WIND.	WEATHER.	REMARKS.

DYNAMO.

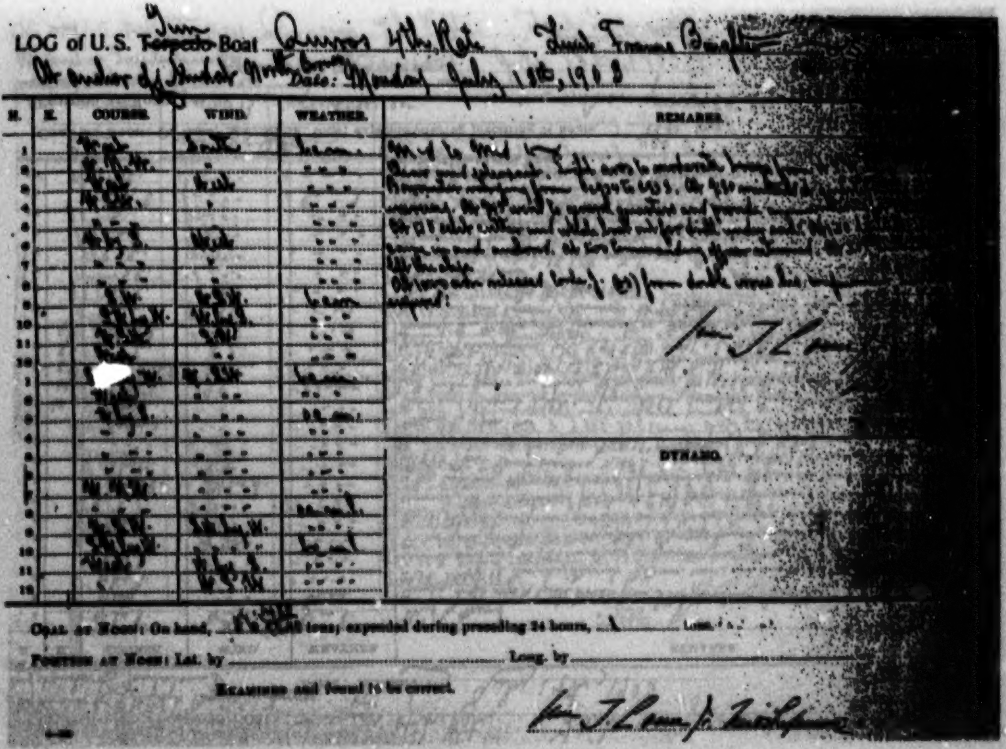
J. P. Richardson

COAL AT NOON: On hand, ______ tons; expended during preceding 24 hours, ______ tons.

POSITION AT NOON: Lat. by ______ Long. by ______

EXAMINED and found to be correct.

U. S. N. Navigator



LOG of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate, Lieut. Francis Boughter

On waters of [illegible] North Borneo Date: Monday July 13th, 1903

H.	K.	COURSE.	WIND.	WEATHER.
1		[illegible]	[illegible]	[illegible]
2		[illegible]	[illegible]	[illegible]
3		[illegible]	[illegible]	[illegible]
4		[illegible]	[illegible]	[illegible]
5		[illegible]		[illegible]
6		[illegible]	[illegible]	[illegible]
7		[illegible]	[illegible]	[illegible]
8		[illegible]	[illegible]	[illegible]
9		[illegible]	[illegible]	[illegible]
10		[illegible]	[illegible]	[illegible]
11		[illegible]	[illegible]	[illegible]
12		[illegible]	[illegible]	[illegible]
1		[illegible]	[illegible]	[illegible]
2		[illegible]	[illegible]	[illegible]
3		[illegible]	[illegible]	[illegible]
4		[illegible]	[illegible]	[illegible]
5		[illegible]	[illegible]	[illegible]
6		[illegible]	[illegible]	[illegible]
7		[illegible]	[illegible]	[illegible]
8		[illegible]	[illegible]	[illegible]
9		[illegible]	[illegible]	[illegible]
10		[illegible]	[illegible]	[illegible]
11		[illegible]	[illegible]	[illegible]
12		[illegible]	[illegible]	[illegible]

REMARKS.

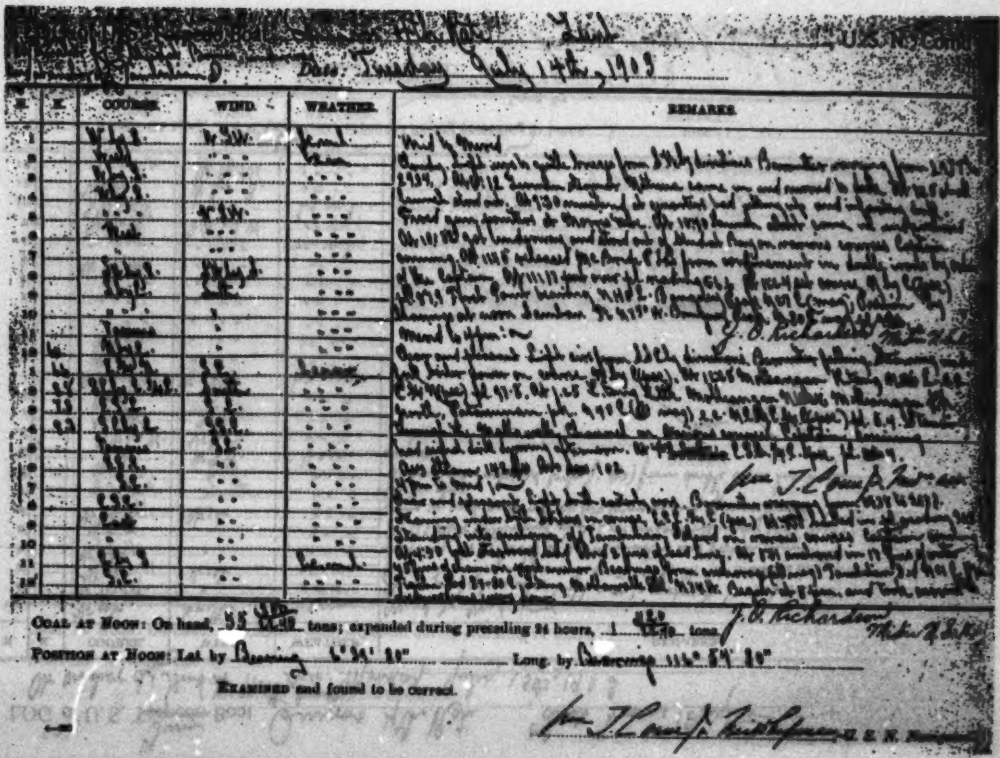
[illegible]

DYNAMO.

COAL AT NOON: On hand, [illegible] tons; expended during preceding 24 hours, [illegible] tons.

POSITION AT NOON: Lat. by ________ Long. by ________

Examined and found to be correct.



U.S. N. Coml

Date: Tuesday July 14th, 1903

H.	K.	COURSE.	WIND.	WEATHER.	REMARKS.

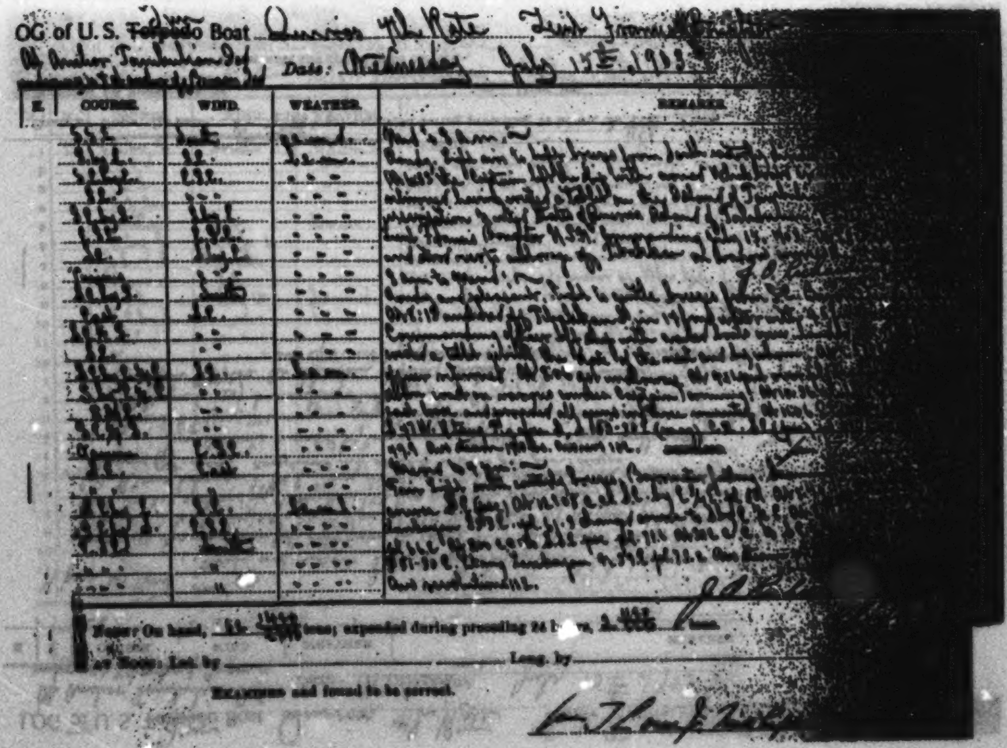
COAL AT NOON: On hand, 55 tons; expended during preceding 24 hours, 1 tons.

J. O. Richardson

POSITION AT NOON: Lat. by Bearing 6° 34' 30" Long. by Bearings 118° 54' 30"

EXAMINED and found to be correct.

U. S. N.



OG of U. S. ~~Torpedo~~ Gun Boat [illegible]

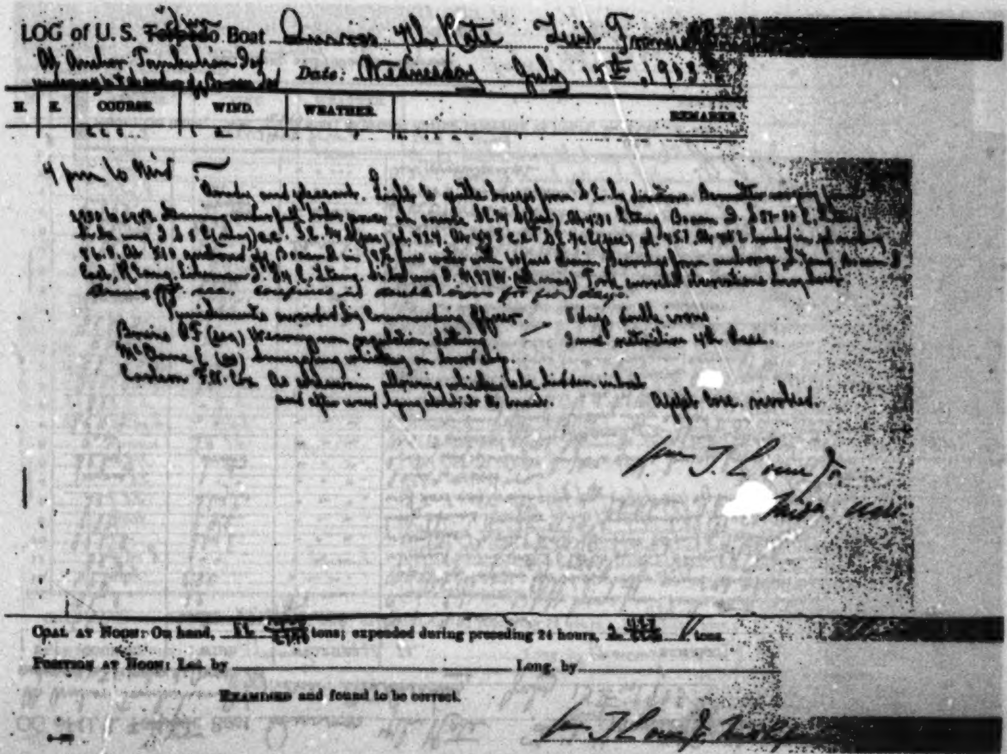
[illegible] Date: Wednesday July 15th 1903

H.	COURSE.	WIND.	WEATHER.	REMARKS.
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Coal: On hand, [illegible] tons; expended during preceding 24 hours, [illegible] tons.

At Noon: Lat. by ______ Long. by ______

Examined and found to be correct.



LOG of U.S. ~~Torpedo~~ Boat [illegible]

At Anchor [illegible]

Date: Wednesday July 15th, 1913

H.	K.	COURSE.	WIND.	WEATHER.	REMARKS.

4 pm to Mid

Cloudy and pleasant. Light to gentle breezes from S.E. by direction. [illegible]

[illegible]

Punishments awarded by Commanding Officer.

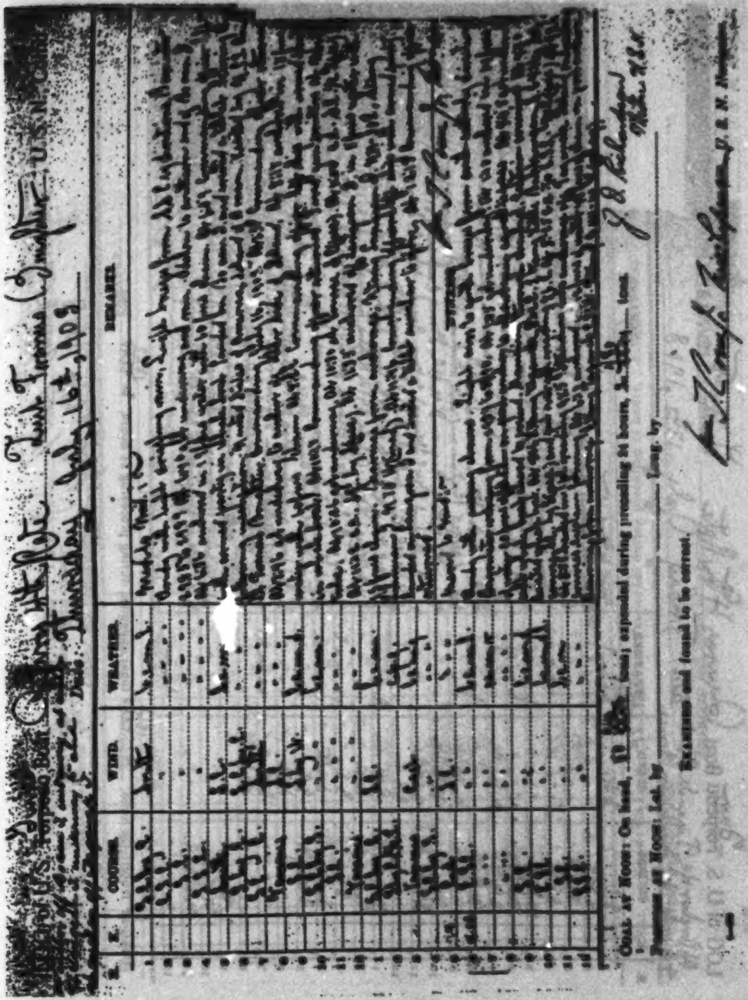
[illegible]

Wm. T. Conn Jr.

COAL AT NOON: On hand, [illegible] tons; expended during preceding 24 hours, [illegible] tons.

POSITION AT NOON: Lat. by ________________ Long. by ________________

EXAMINED and found to be correct.



LOG of U.S. ~~Torpedo~~ Boat [illegible] U.S.N. Comd.

Date: Thursday July 16th, 1903

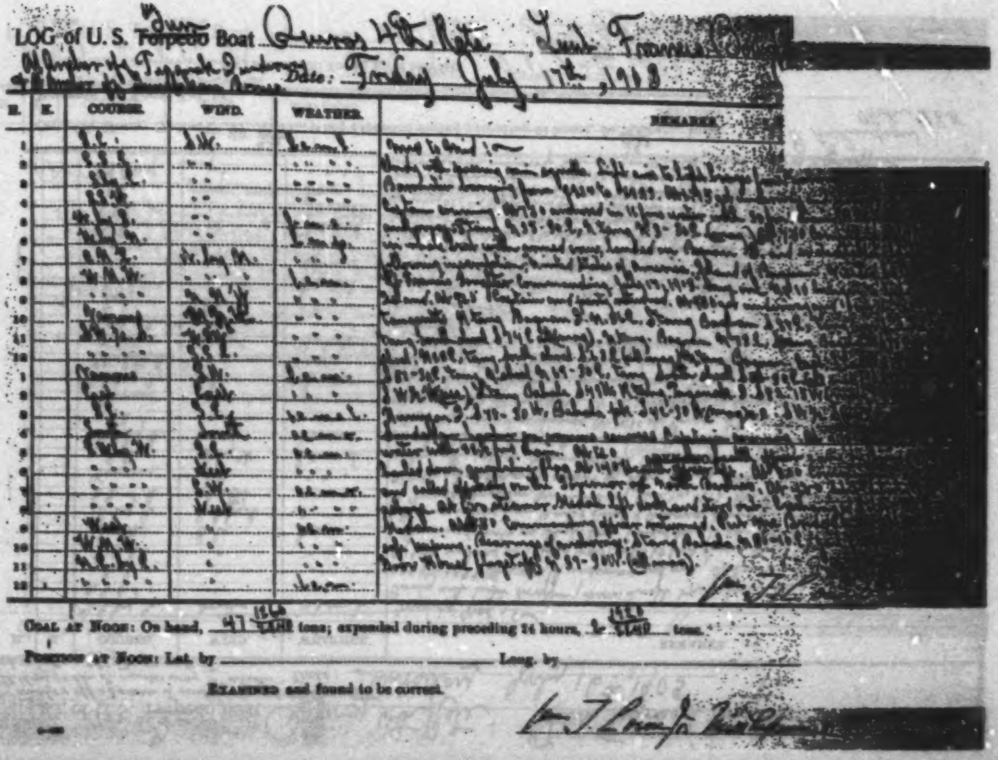
H.	K.	COURSE.	WIND.	WEATHER.	REMARKS.

COAL AT NOON: On hand, [illegible] tons; expended during preceding 24 hours, [illegible] tons.

POSITION AT NOON: Lat. by ________ Long. by ________

EXAMINED and found to be correct.

U.S.N. Navigator.



LOG of U. S. ~~Torpedo~~ Gun Boat Quiros 4th Rate, Lieut. Francis [illegible]

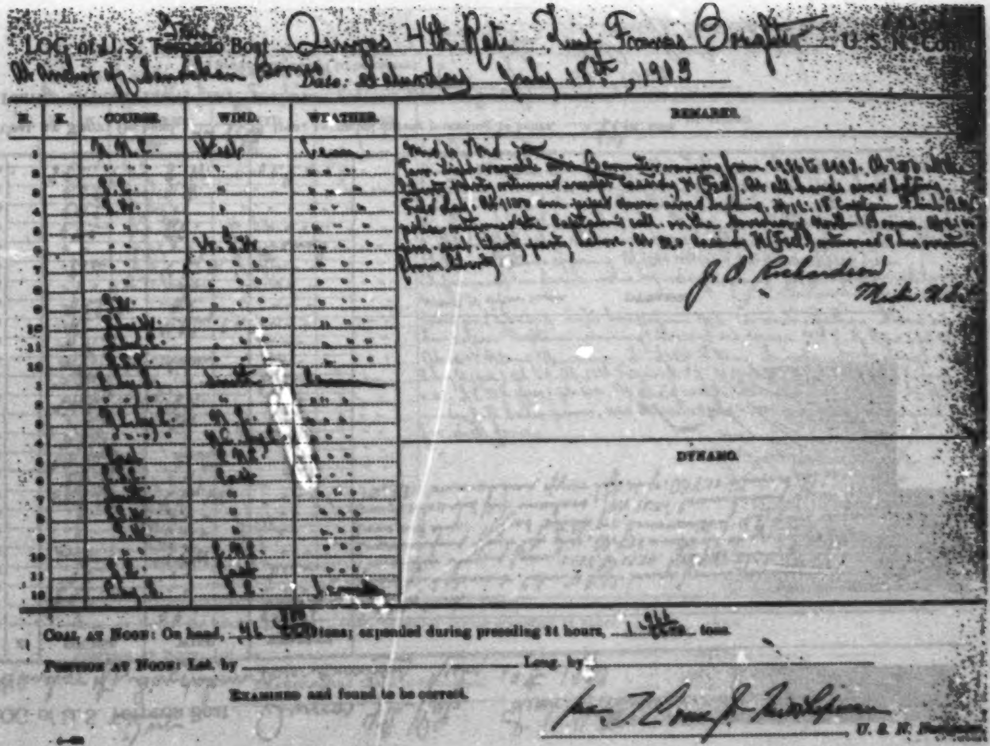
[illegible] Date: Friday July 17th, 1918

H.	K.	COURSE.	WIND.	WEATHER.	REMARKS.
1		[illegible]	S.W.	[illegible]	[illegible]
2		[illegible]	" "	" " " "	[illegible]
3		[illegible]	" "	" " " "	[illegible]
4		[illegible]	" "	" " " "	[illegible]
5		[illegible]	" "	[illegible]	[illegible]
6		[illegible]	" "	[illegible]	[illegible]
7		[illegible]	[illegible]	" " "	[illegible]
8		[illegible]	" " "	[illegible]	[illegible]
9		" " " "	[illegible]	" " "	[illegible]
10		[illegible]	[illegible]	" " "	[illegible]
11		[illegible]	[illegible]	" " "	[illegible]
12		" " " "	[illegible]	" " "	[illegible]
1		[illegible]	S.W.	[illegible]	[illegible]
2		[illegible]	[illegible]	" " "	[illegible]
3		[illegible]	[illegible]	[illegible]	[illegible]
4		[illegible]	[illegible]	[illegible]	[illegible]
5		[illegible]	[illegible]	[illegible]	[illegible]
6		" " " "	[illegible]	" " "	[illegible]
7		" " " "	S.W.	[illegible]	[illegible]
8		" " " "	[illegible]	" " "	[illegible]
9		[illegible]	"	[illegible]	[illegible]
10		[illegible]	"	" " "	[illegible]
11		[illegible]	"	" " "	[illegible]
12		" " " "	"	[illegible]	

COAL AT NOON: On hand, 47 $\frac{1260}{2240}$ tons; expended during preceding 24 hours, 1 $\frac{1920}{2240}$ tons.

POSITION AT NOON: Lat. by ____________ Long. by ____________

EXAMINED and found to be correct.



LOG of U. S. ~~Torpedo~~ Gunboat Quiros 4th Rate Lieut. Francis [illegible] U. S. N. Com[illegible]

At Anchor off Sandakan Borneo Date: Saturday July 19th, 1913

H.	K.	COURSE.	WIND.	WEATHER.
1		[illegible]	[illegible]	[illegible]
2		"	"	"
3		S.E.	"	"
4		S.W.	"	"
5		"		"
6		"	[illegible]	"
7		"	"	"
8		"	"	"
9		S.W.	"	"
10		[illegible]	"	"
11		[illegible]	"	"
12		[illegible]	"	"
1		[illegible]	[illegible]	[illegible]
2		"	"	"
3		[illegible]	[illegible]	"
4		"	[illegible]	"
5		[illegible]	[illegible]	"
6		[illegible]	[illegible]	"
7		[illegible]	"	"
8		[illegible]	"	"
9		[illegible]	"	"
10		"	[illegible]	"
11		S.E.	[illegible]	"
12		[illegible]	[illegible]	[illegible]

REMARKS.

[illegible]

J. O. Richardson

[illegible]

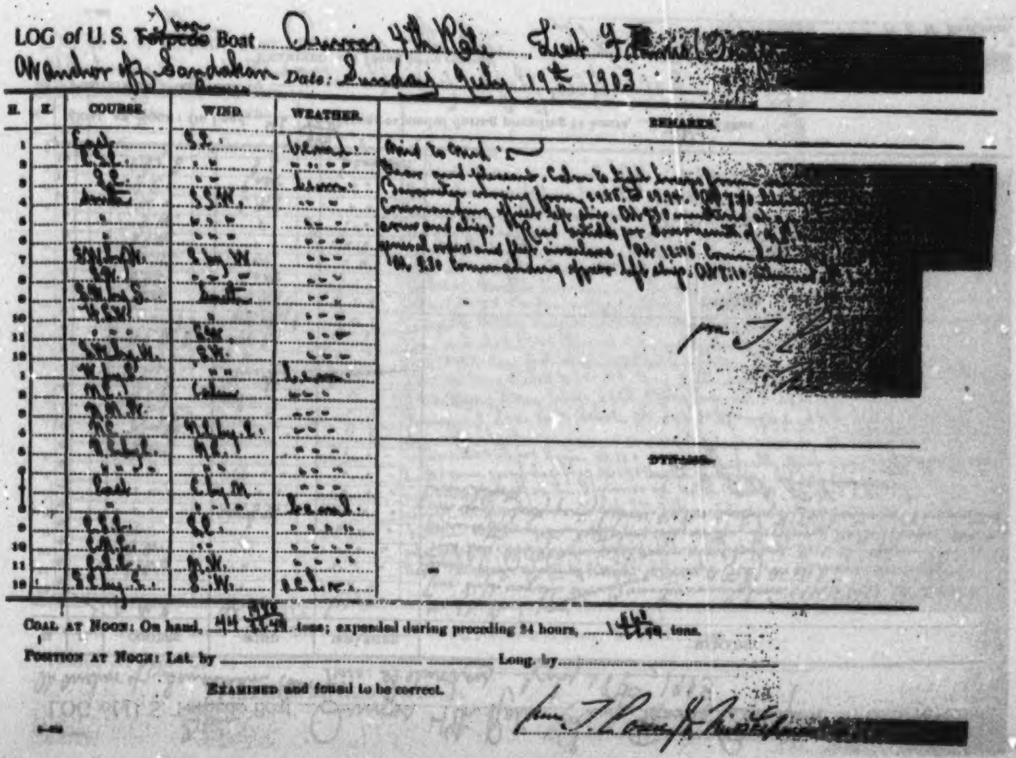
DYNAMO.

Coal, at Noon: On hand, 46 [illegible] tons; expended during preceding 24 hours, 1 [illegible] tons.

Position at Noon: Lat. by ______ Long. by ______

Examined and found to be correct.

[illegible], U. S. N. [illegible]



LOG of U.S. ~~Torpedo~~ [illegible] Boat Quiros 4th Rate Lieut. [redacted]

At anchor off Sandakan Borneo Date: Sunday July 19th 1903

H.	K.	COURSE.	WIND.	WEATHER.
1		East	S.E.	b.c.m.
2		E.S.E.	"	" " "
3		S.E.	"	b.c.m.
4		Anchor	S.S.W.	" "
5		"	" "	" "
6		"	" "	" " "
7		S.W. by W.	S. by W.	" " "
8		S.W.	" "	" " "
9		S.W. by S.	[illegible]	" "
10		W.S.W.	"	" " "
11		" " "	S.W.	" " "
12		S.W. by W.	S.W.	" " "
1		W. by S.	" "	b.c.m.
2		W.S.	Calm	" "
3		W.N.W.		" " "
4		W.S.	W. by S.	" "
5		W. by S.	W.S.	" " "
6		" " "	" "	" "
7		East	E. by N.	" " "
8		"	" " "	b.c.m.
9		E.S.E.	S.E.	" " " "
10		E.N.E.	"	" " " "
11		E.S.E.	N.W.	" " " "
12		S.E. by E.	S.W.	[illegible]

REMARKS.

Wind to Coal.

Clear and pleasant. Calm to light breeze from [redacted] Commenced [illegible] from 8.25 to 9.54. [illegible] 7.30 [redacted] Commanding officer left the ship. At 9.30 mustered [redacted] crew and ship. Read articles for Government of U.S. [redacted] special orders and [illegible] At 12.15 Comm[redacted] At 2.30 Commanding officer left ship. At 8.10 [redacted]

[redacted]

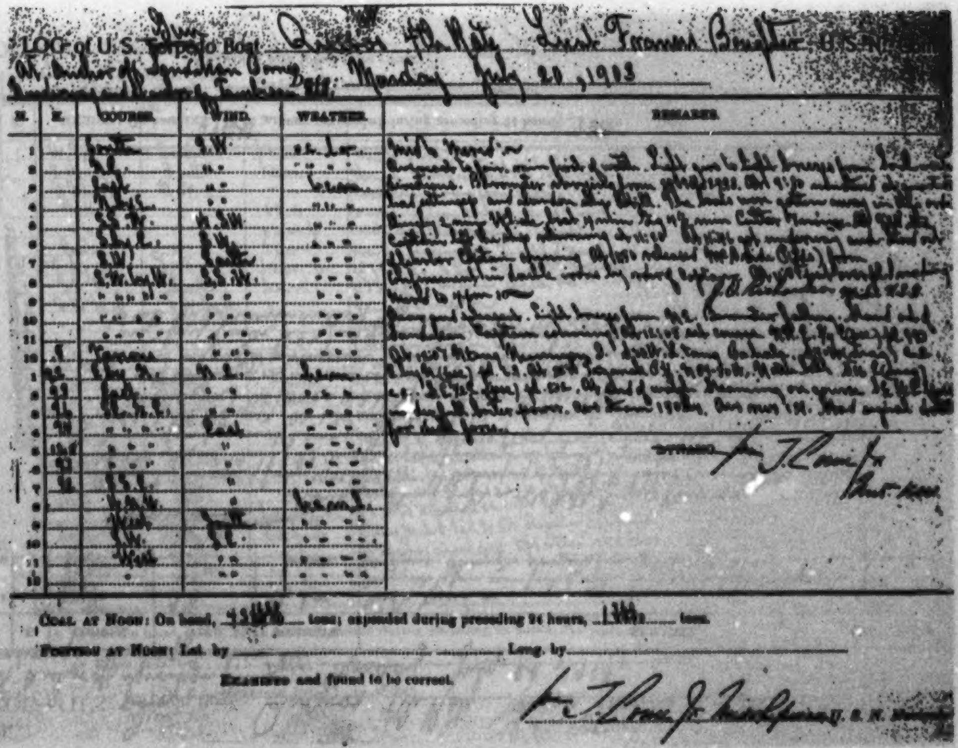
[illegible]

COAL AT NOON: On hand, 44 [illegible] tons; expended during preceding 24 hours, 1 [illegible] tons.

POSITION AT NOON: Lat. by ________ Long. by ________

EXAMINED and found to be correct.

[redacted]



LOG of U.S. ~~Torpedo~~ Gun Boat Quiros

Date: Monday July 20, 1913

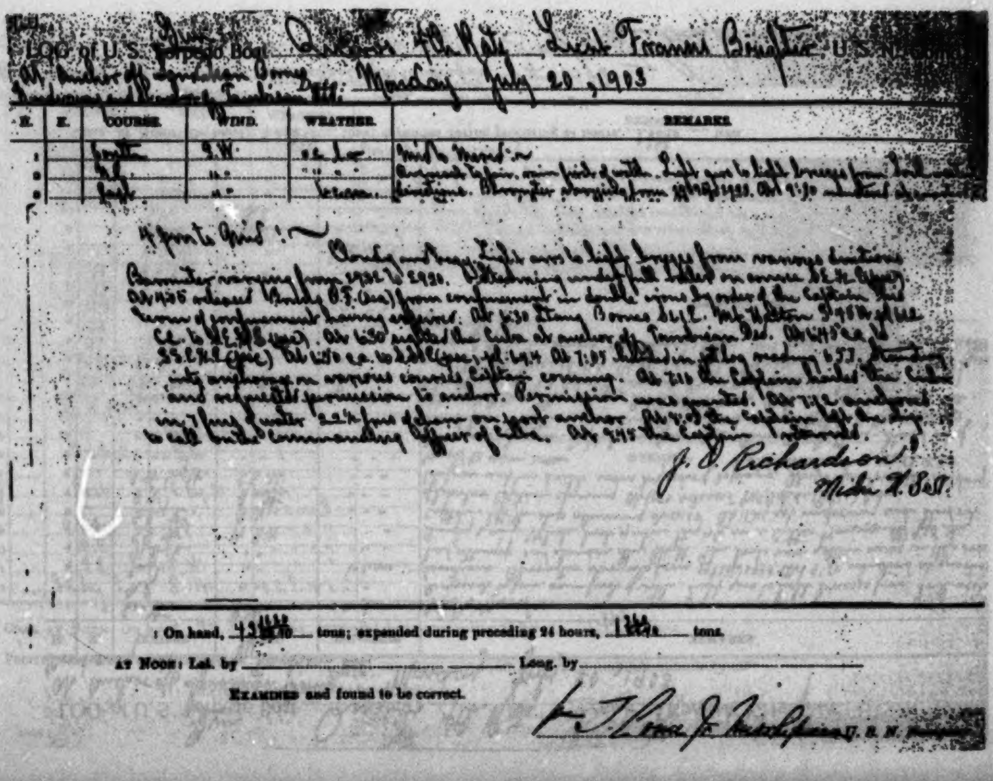
H.	K.	COURSE.	WIND.	WEATHER.	REMARKS.

COAL AT NOON: On hand, ______ tons; expended during preceding 24 hours, ______ tons.

POSITION AT NOON: Lat. by ______ Long. by ______

EXAMINED and found to be correct.

U.S.N.



LOG of U.S. Torpedo Boat Quiros 4th Rate Lieut Francis [illegible] U.S.N. Com[illegible]

At anchor off [illegible] [illegible] Date: Monday July 20, 1903

H.	K.	COURSE.	WIND.	WEATHER.	REMARKS.
1		South	S.W.	o.c. b.c.	Mid to 4 a.m.: ~
2		[illegible]	do	" "	[illegible]
3		[illegible]	do	[illegible]	[illegible] At 9:30 [illegible]

4 p.m. to 8 p.m.: ~

Cloudy and hazy. Light airs to light breezes from various directions. Barometer varying from 29.92 to 29.90. [illegible] At 4:25 released [illegible] from confinement [illegible] by order of the Captain [illegible] At 5:30 [illegible] At 6:30 sighted the Cuba at anchor off [illegible] At 6:45 [illegible] At 7:05 [illegible] At 7:10 the Captain hailed the Cuba and requested permission to anchor. Permission was granted. At 7:12 anchored in 7 fms of water 22½ fms of chain on port anchor. At 7:15 the Captain left the ship to call on the Commanding officer of Cuba. At 7:45 the Captain returned.

J. D. Richardson

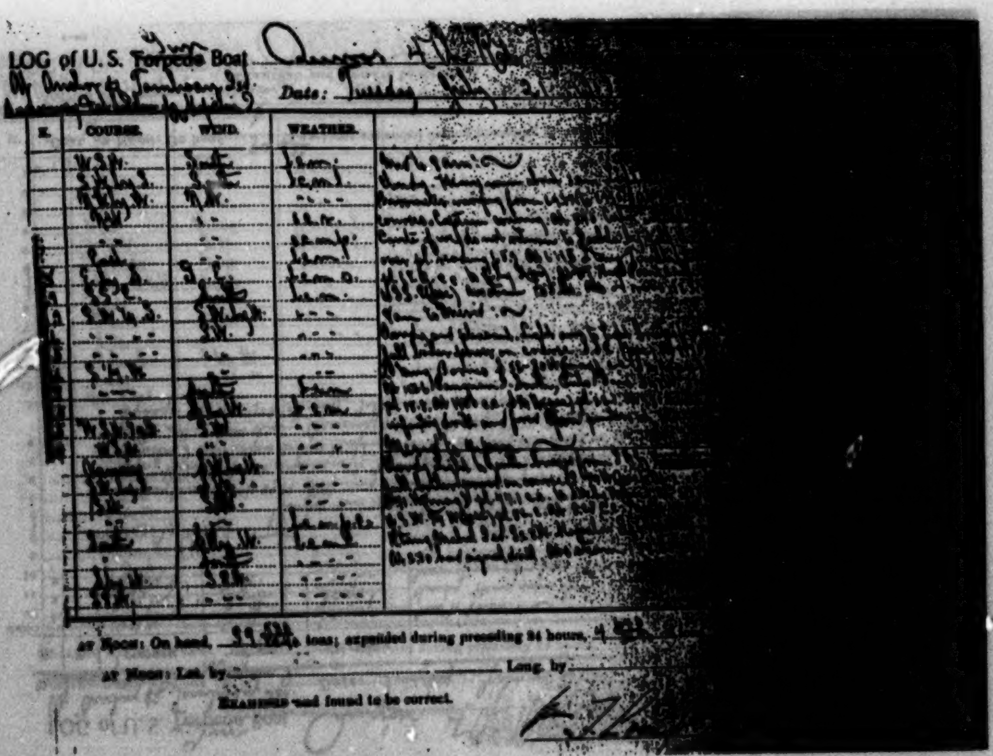
Midn. U.S.N.

: On hand, [illegible] tons; expended during preceding 24 hours, [illegible] tons.

AT NOON: Lat. by ______ Long. by ______

EXAMINED and found to be correct.

F. T. [illegible] U.S.N. Commanding.



LOG of U.S. Torpedo Boat [illegible]
[illegible] Date: Tuesday [illegible]

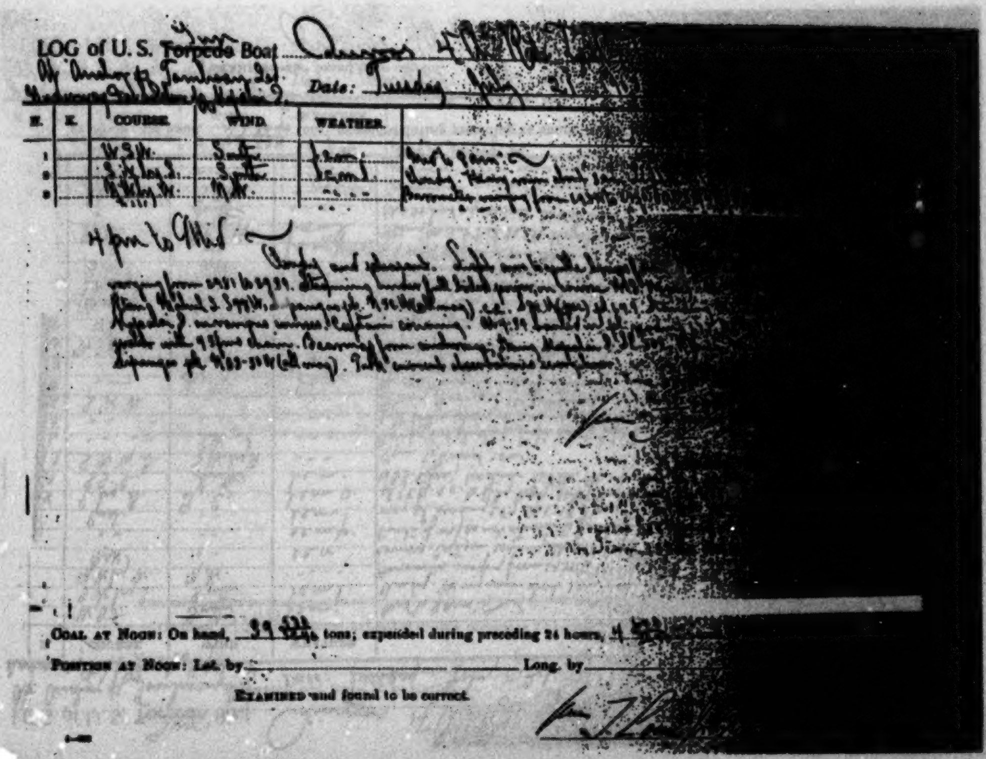
H.	COURSE.	WIND.	WEATHER.	
	W.S.W.	[illegible]	[illegible]	[illegible]

AT NOON: On hand, 99 [illegible] tons; expended during preceding 24 hours, 4 [illegible]

AT NOON: Lat. by ______ Long. by ______

EXAMINED and found to be correct.

BEST COPY AVAILABLE



LOG of U.S. ~~Torpedo~~ Boat [illegible] Date: Tuesday July [illegible]

[illegible]

H.	K.	COURSE	WIND	WEATHER	
1		W.S.W.	[illegible]	[illegible]	[illegible]
2		[illegible]	[illegible]	[illegible]	Cloudy. [illegible]
3		[illegible]	[illegible]	[illegible]	[illegible]

4 pm to Mid

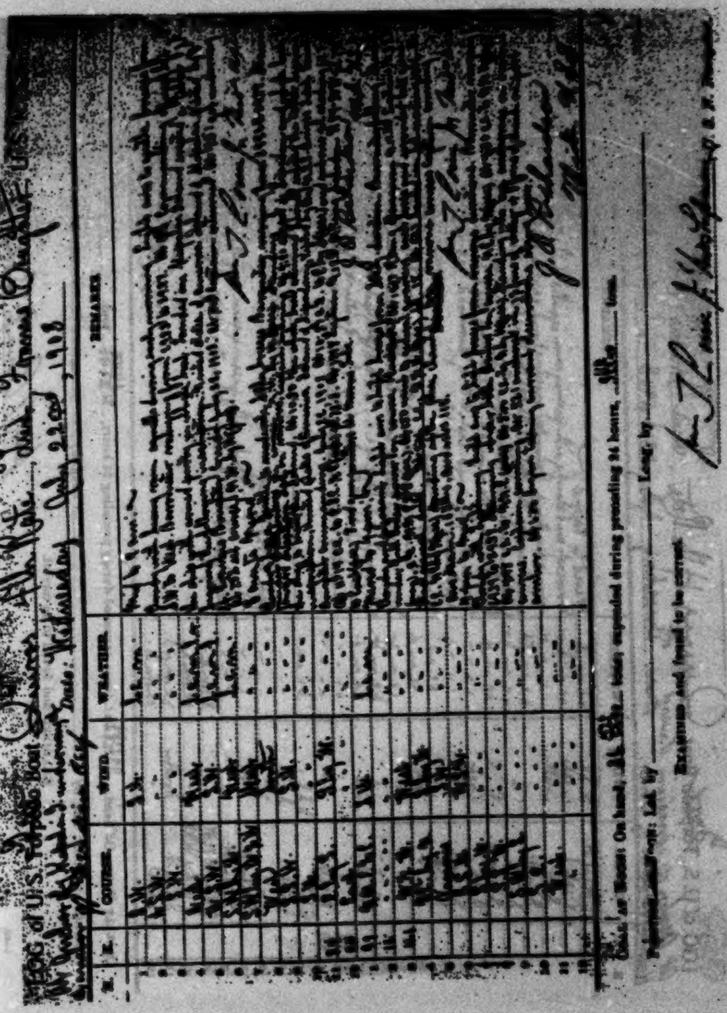
Cloudy and pleasant. [illegible]

Coal at Noon: On hand, 39 [illegible] tons; expended during preceding 24 hours, 4 [illegible]

Position at Noon: Lat. by ________ Long. by ________

Examined and found to be correct.

BEST COPY AVAILABLE



LOG of U.S. Torpedo Boat

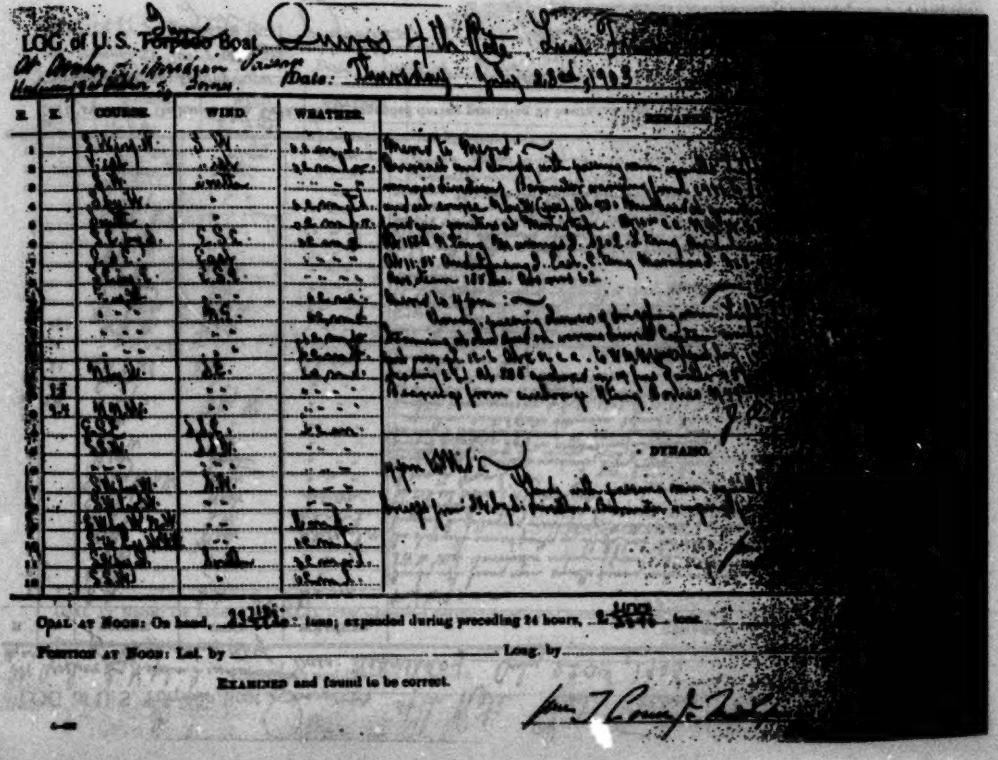
Date: Wednesday July 22nd, 1908

H.	K.	COURSE.	WIND.	WEATHER.	REMARKS.

COAL AT NOON: On hand, ____ tons; expended during preceding 24 hours, ____ tons.

Position at Noon: Lat. by ____ Long. by ____

EXAMINED and found to be correct.



LOG of U.S. ~~Torpedo~~ Gun Boat Quiros 4th Rate Lieut. [illegible]

At [illegible] Date: Thursday July 23rd, 1903

H.	K.	COURSE.	WIND.	WEATHER.	REMARKS.
1		[illegible]	S.W.	[illegible]	[illegible]
2		[illegible]	[illegible]	[illegible]	
3		[illegible]	[illegible]	[illegible]	
4		[illegible]		[illegible]	
5		[illegible]		[illegible]	
6		[illegible]	S.S.E.	[illegible]	
7		[illegible]	Calm	[illegible]	
8		[illegible]	S.S.E.	[illegible]	
9		[illegible]		[illegible]	[illegible]
10		[illegible]	N.E.	[illegible]	
11		[illegible]		[illegible]	
12		[illegible]		[illegible]	
1		[illegible]	S.E.	[illegible]	
2	3.5	[illegible]		[illegible]	
3	3.4	N.N.W.		[illegible]	
4		[illegible]	S.S.E.	[illegible]	
5		S.S.W.	S.S.W.	[illegible]	
6		[illegible]		[illegible]	
7		[illegible]	N.W.	[illegible]	[illegible]
8		[illegible]		[illegible]	
9		[illegible]		[illegible]	
10		[illegible]		[illegible]	
11		[illegible]	[illegible]	[illegible]	
12		S.S.W.		[illegible]	

DYNAMO.

Coal at Noon: On hand, [illegible] tons; expended during preceding 24 hours, [illegible] tons.

Position at Noon: Lat. by ____________ Long. by ____________

Examined and found to be correct.

BEST COPY AVAILABLE

Annex 102

LETTER FROM BRITISH NORTH BORNEO COMPANY TO FOREIGN OFFICE DATED 13 JULY 1903

COPY.

15, Leadenhall Street,
E.C.

13th July, 1903.

Sir,

On the 22nd ultimo I handed you a copy of a telegram which the Court of Directors received from the Governor of North Borneo, reporting that an American Man of War had paid a visit to certain of our islands situated off the port of Sandakan, and had fixed tablets and flags thereon.

2. Later in the day, Mr.Cowie and I called on you and protested against these proceedings, which the Court of Directors cannot believe could have been authorised by the United States Government, and which they think must have been due to some misapprehension on the part of the local American Authorities.

3. To enable the Secretary of State to clearly understand the position, I beg to be permitted to give a brief account of our occupation of our Territories of North Borneo, including the islands in question.

4. In the latter end of 1872, Mr.Cowie had hoisted the British flag at Sandakan; and he established "The Labuan Trading Company" there in the beginning of 1873. That Company's station in Sandakan was the first European Settlement on the North East Coast of Borneo.

5. When Commander Buckle visited Sandakan in the "Frolic" nearly three years later, he reported to Admiral

The Hon.F.H.Villiers, C.B.
Foreign Office.

Ryder, under date 29th February, 1875, that the operations of the Labuan Trading Company were considerable. He wrote: "This Company has three Steamers engaged in the trade, with several trading stations on the coast, and are doubtless opening up a most valuable and growing trade".

6. Shortly afterwards the attention of certain English Merchants in China was drawn to the importance of the trade of the North East Coast of Borneo, and on the 22nd January, 1878, through the influence of Mr.Cowie, the father of the present Sultan of Sulu ceded to Baron de Overbeck and Mr.Alfred Dent all his rights and powers over all the territories and lands which were tributary to him on the mainland of Borneo, commencing from Pandassan River on the North West Coast and extending along the whole East Coast as far as the Sibuco river, and comprising, amongst others, the States of Paitan, Sugut, Bangaya, Labuk, Sandakan, Kinabatangan Mumiang, and all the other territories and States to the Southward thereof certain bordering on Darvel Bay and as far as Sibuco River with all the islands within three marine leagues of the coast.

all book of Consuc. papers p.p. 377/378

√

7. On the same date the Sultan of Sulu issued a commission - copy of which is attached - appointing Baron de Overbeck supreme and independent ruler over "all the lands on the North and East Coast of the island of Borneo, from the Pandassan River on the North West to the Sibuco River on the East Coast, including amongst others the states of Paitan, Sugut, Bangaya, Labuk, Sandakan, Kinabatangan and Mumiang, and all lands and territories in Darvel Bay as far as the Sibuco river, together with all the islands belonging thereto".

p.2.

8. A few days after these negotiations were completed formal possession of the territories belonging to North Borneo was taken by Baron de Overbeck and the staff which accompanied him.

9. Early in 1881, a Company called the British North Borneo Provisional Association was formed to take over the above mentioned cession and commission, etc.with all their rights, powers, privileges and responsibilities. In due course all these were transferred to the British North Borneo Company, which was incorporated by Royal Charter under the Great Seal, 1st November 1881.

10. Almost immediately after the formal occupation above referred to, the Illunan pirates, who made a base of the islands fringing the North East Coast, infested Sandakan and other places on the Coast, killing and capturing many of the inhabitants, who appealed to our Officials for protection. The appeal was, in view of our authority under the Commission, promptly responded to, and with the assistance of Mr.Cowie's Steamer "Far East", which was subsidised by the North Borneo Government and acted as their gun vessel, the Pirates were dispersed and all their abandoned islands haunts, which from time immemorial had politically and geographically formed part of North Borneo, were annexed and have ever since been administered by the North Borneo Government, as an integral portion of their territory.

11. And at noe time, since the occupation of the islands by us, did the Spanish authorities ever object to our occupation and control of them; nor, so far as the Court are aware, have the American authorities, previous to the action of which we have complained, ever questioned our right of possession.

in Labuan in January, 1898, the control of the islands had always been looked upon by the Sultan and his predecessors as part of our duty under the Commission above referred to, in which no mention is made of a three league limit.

13. At that meeting the Sultan proposed that, having regard to the large revenue we were deriving from the territories taken over from his father, we should let him look after Taganak and Baguan. The islands, he said, being outside the three league limit mentioned in the deed of cession, he had been advised to formally claim them, a thing he averred he had no intention of doing; he however suggested that Mr.Cowie, as an act of friendship, should cause them to be handed over to him.

14. In reply Mr.Cowie informed the Sultan that he regretted he could not fall in with the suggestion. He pointed out that the retention of the islands was absolutely necessary to us for the protection of our coast and commerce; and, as to the three league limit, that neither the three Sultans who had preceded him, nor the local Spanish authorities, had ever suggested that they were not within our jurisdiction.

15. I may here remark that it is only reasonable to suppose the action of the Spanish Government in not interfering with our control of the islands in question was based on the belief that, under Article I.of the 1836 Treaty, and Article III of the 1885 Protocol, they formed a portion of the "the territories of the Continent of Borneo", over which they had renounced all claims of Sovereignty; and which, at the date of the Protocol,formed "part of the territories administered by the Company",and which, as a matter of fact had been in our possession for

16. The Sultan admitted that what Mr.Cowie had said was correct, and he added that until a few days previously, when he had been advised to claim them, he also had always looked upon the islands as forming a portion of our territory.

17. At the end of the interview Mr.Cowie understood that the Sultan would let the matter drop; however, on his arrival in Singapore he made a claim through the High Commissioner, who communicated it to the Secretary of State, with the result that it was decided to leave the Company's Government to deal direct with the Sultan.

18. In the following year (15th January, 18990 the Sultan wrote to Mr.Cowie and again asked to be allowed to look after Baguan and Tagamak.

19. The request was conveyed in the following terms:- "Datang kita man-yatakan kapada sahabat kita Tuan Cowie, adapun pasal pulo Baguan dan Taganak kita suda chakap kapada sahabat kita tempoh Sahabat kita di Labuan, make kita harap dengan beribu ribu harap kapada sahabat kita buli mabulikan permint ahan kita make kita sakarang ini handaklah plihara itu pulo tiada masuk pajak kaluar deripada perjanjian adanya". Translation of the above:- "I desire to say to my friend Mr.Cowie with reference to the matter of the islands of Baguan and Taganak of which I spoke when our friend was in Labuan, I sincerely hope our friend will, if possible, agree to my request, because I wish now to look after these islands which were not in the Contract, and were outside of the agreement".

20. Attached is a copy of Mr.Cowie's reply. From this it will be seen that the Court gave the Sultan no hope of the British Government g agreeing to relinquish any portion of the territory which had been so long

British.

21. I now come to the last portion of my brief history. In compliance with the authority we received from the Secretary of State to deal with the Sultan of Sulu direct, the Court of Directors, to put an end to the Sultan's importunities, authorised the payment to him of a small annual present.

22. But nothing was done in the matter until the Sultan's recent visit to Sandakan, when as the outcome of certain negotiations an Agreement - copy of which is attached - in somewhat misleading language was concluded; and the Court suggest that this document may have been the cause of the action of the local American authorities, who, if we are right in our surmise, would naturally have looked upon the Sultan's act as a breach of the agreement with them which debars him from ceding any portion of his territory to other powers without American x sanction.

23. Whatever may have been the cause of the action in question, the Court think that the American Government when placed by the Secretary of State in possession of the foregoing facts, will readily agree to instruct their local Officials to remove the flags and tablets they placed on islands, which notwithstanding anything else, have been under British jurisdiction for nearly a quarter of a Century.

24. For the information of the Secretary of State, I have attached a Map, showing clearly the respective spheres of influence and control.

25. All the islands and territory to the East of the red line, have since our occupation of North Borneo, been under the suzerainty of Spain and the United States

respectively; while those to the West of it have been administered by the Government of our State.

I have the honour to be,

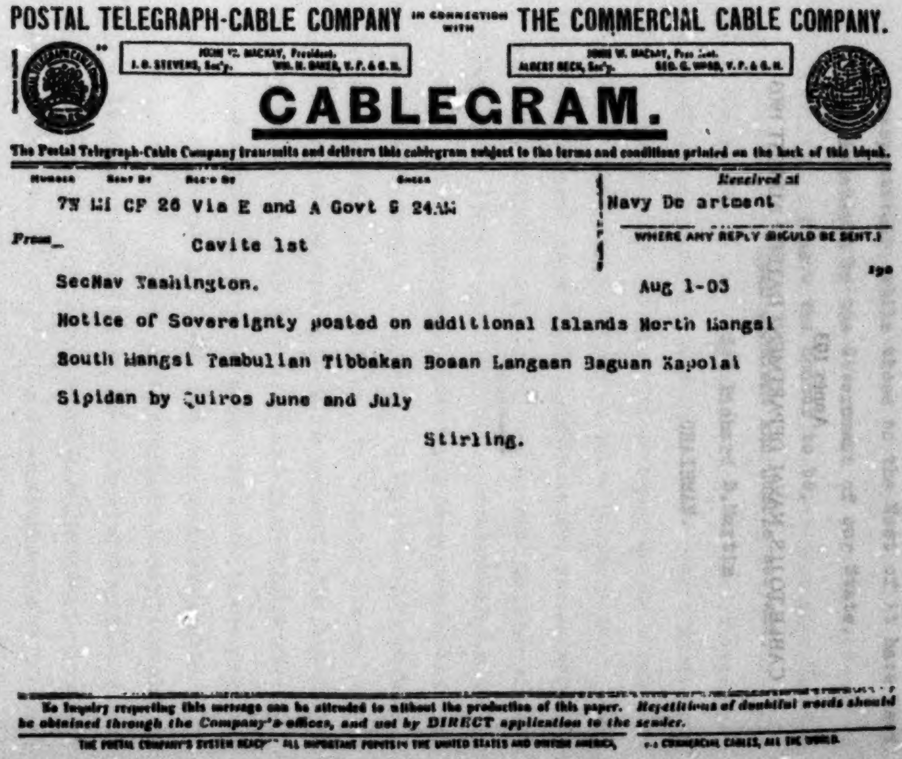
Your obedient and humble servant,

S/d Richard B.Martin

CHAIRMAN.

Annex 103

CABLE TO U.S. NAVAL DEPARTMENT DATED 1 AUGUST 1903



POSTAL TELEGRAPH-CABLE COMPANY IN CONNECTION WITH **THE COMMERCIAL CABLE COMPANY.**

JOHN W. MACKAY, President.
J. O. STEVENS, Sec'y. WM. H. BAKER, V. P. & G. M.

JOHN W. MACKAY, Pres'dent.
ALBERT BECK, Sec'y. GEO. G. WARD, V. P. & G. M.

CABLEGRAM.

The Postal Telegraph-Cable Company transmits and delivers this cablegram subject to the terms and conditions printed on the back of this blank.

Number	Sent By	Rec'd By	Check	Received at
7N	MI	CF	26 Via E and A Govt S 24AM	Navy De artment

From_ Cavite 1st

(WHERE ANY REPLY SHOULD BE SENT.)

190

SecNav Washington. Aug 1-03

Notice of Sovereignty posted on additional Islands North Mangsi
South Mangsi Tambulian Tibbakan Boaan Langaan Baguan Kapolai
Sipidan by Quiros June and July

Stirling.

No Inquiry respecting this message can be attended to without the production of this paper. *Repetitions of doubtful words should be obtained through the Company's offices, and not by DIRECT application to the sender.*

THE POSTAL COMPANY'S SYSTEM REACHES ALL IMPORTANT POINTS IN THE UNITED STATES AND BRITISH AMERICA, — COMMERCIAL CABLES, ALL THE WORLD.

Annex 104

LETTER FROM U.S. SECRETARY OF STATE TO ACTING SECRETARY OF WAR DATED 23 OCTOBER 1903

Department of State,

Washington, Oct. 23, 1903.

The Honorable

The Acting Secretary of War.

Sir:-

I have the honor to acknowledge the receipt of your letter of the 20th instant by which you invite attention to the Boundary Line of the Philippine Islands upon an accompany map from the Hydragraphic Office of the Navy Department and to the legend thereon indicating the authority for the line being so placed and request of this department confirmation "in case the indicated line is correct, or that the correct line be delineated-if this is in error."

On April 7, 1903, this department communicated to your department copy of a letter sent April 3, 1903, to the Secretary of the Navy in answer to inquiries of that department touching the sovereignity of Spain over the insular dependencies of Sulu on the North Bornéo Coast with exception of certain named islands near the coast as to which Spain relinquished claim in favor of Great Britain. This department did not undertake to trace the line demarking the respective jurisdictions of Great Britain and Spain to which latter the United States has succeeded in toto. We are not in a position to apply on the charts the line described in general terms by the conventions entered into by Spain and Great Britain and Germany. Any line drawn by either part in interest for itself alone would necessarily be tentative unless assented to by the other party. Boundary lines of this nature are usually settled by the appointment of a joint Boundary Commission to lay down the limits required by the treaties and it is probable this this course will have to be followed eventually by agreement between the United States and Great Britain.

Under these circumstances this department is unable to eitherconfirm or alter the line drawn ex parte upon the chart you have received from the Hydrographic Office of the Navy Department. It may be remarked, however:-

1. The prolongation of the red tracing from the eastward of Sibutu to and around Sipidan Island and thence northwardly to Durval Bay would probably require to be supported by evidence that Sipidan and the included keys and rocks had been recognized as lying within the dominions of Sulu described in the conventions between Spain on the one hand and Great Britain and Germany on the other. This is a question of fact which the department of state has no means of determining and considering which an opinion would be mainly ex parte. The treaty of Nov. 7, 1900, by expressly including the Island of Sibutu may have intended such inclusion as exceptional and as a limit to the claims of Spanish dominion to the southwest of the Sulu group.

2. The same consideration applies with greater aptness to the black line traced south-westwardly from Banguey Island and Balabac Strait along the Borneo coast to Kimanis Bay and thence passing by the Mangalum Islands in a direction North by East until it joins the blue line running east and west through Balabac Strait.

Under all the circumstances I am not prepared to advise the insertion of the red and black boundary lines upon the copies of the War Department's official map of the Philippine Islands. Instead of doing so, I suggest that a note be printed either in the general legend of the map or in brackets in situ to the effect that by a treaty signed November 7, 1900 Spain relinquished to the U. S. all title to islands belonging to the Philippine Archipelago and lying outside the lines described in the Treaty of Peace of December 10, 1898, and in particular to Cagayan-Sulu and Sibutu and their dependencies.

I have the honor to be, sir,

Your obedient servant,
(sgd) JOHN HAY.

Enclosure,
Map returned.

The above is the latest communication in respect to the southern boundary line on file.

Enclosure,
Map showing islands purchased from Spain subsequent to the Treaty of Paris.

mpr.

Annex 105

REPORT BY COMMANDER OF THE HYDROGRAPHIC SURVEYING VESSEL HNLMS *MAKASSER* DATED 26 NOVEMBER 1903 (DUTCH VERSION AND ENGLISH TRANSLATION)

TRANSLATION

Excerpts from the Report by the Commander of the Hydrographic Surveying Vessel HNLMS Makasser to the Commander Naval Forces Netherlands Indies

On board HNLMS surveying vessel "Makasser"
Soerabaja, 26 November 1903

page 2:

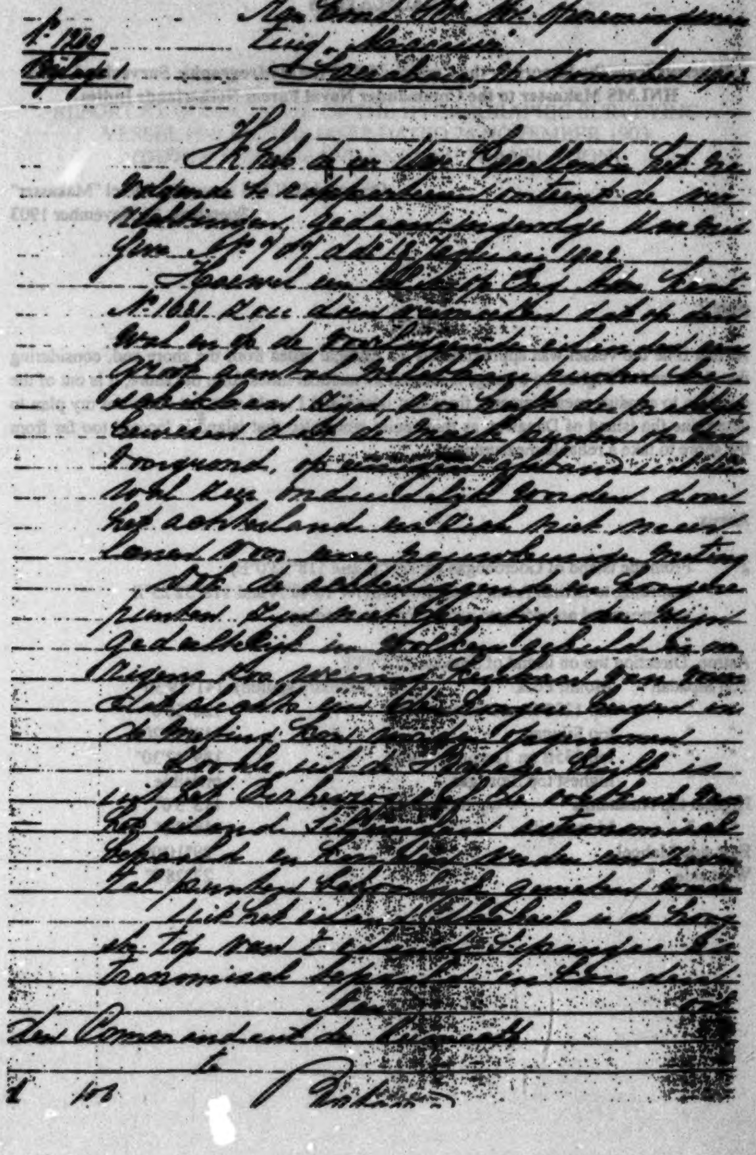
At that time the vessel was approximately 12 nautical miles from the shore and, considering that the island of Ligitan on average is located 24 nautical miles from the shore, it is out of the question to conduct measurements from that island and I could also not carry out my plan to determine the island of Danawan as third point since also that island is located too far from the shore to take a reliable measurement.

Annex:

2nd. From the island of Goeroengan (4°19'0"N and 118°33'0"E)
according to British Adm. Chart No. 1681: 4°18'48"N and 118°32'25"E
was measured according to astron. Position-finding:

Astron. Direction top on island of Sipadan S22°38'E

Top Sipadan –	Mount Pöck	(by auxiliary station)	141°19'30"
" " -	top 1200 ft on Declonte point	"	126°55'0"
" " -	top Silugan	"	113°48'20"
" " -	top 935ft on Tandjong Tutup	"	189°42'30"
" " -	highest top Sipangas		invisible
Highest top Nusatanga	– top Sipandan		113°5'0"
" " -	Manampili	"	18°8'0"
East side Maboel		"	29°10'0"
West side "		"	27°28'0"



No 1299

Bijlage 1

Hr. Ms. [illegible] Opnemingsvaar-
tuig „Makassar"

Sandakan, 26 November 1903.

Ik heb de eer Uwe Excellentie het navolgende te rapporteeren omtrent de waarnemingen, gedaan ingevolge Uwe [illegible] No 7/[illegible] dd [illegible] Februari 190[illegible].

Hoewel in [illegible] No 1081 [illegible] dat op den wal en op de voorliggende eilanden een groot aantal [illegible] punten beschikbaar zijn, [illegible] dat de meeste punten op den voorgrond, op eenigen afstand [illegible] zeer onduidelijk worden door het achterland [illegible] niet meer [illegible] tot eene [illegible] meting.

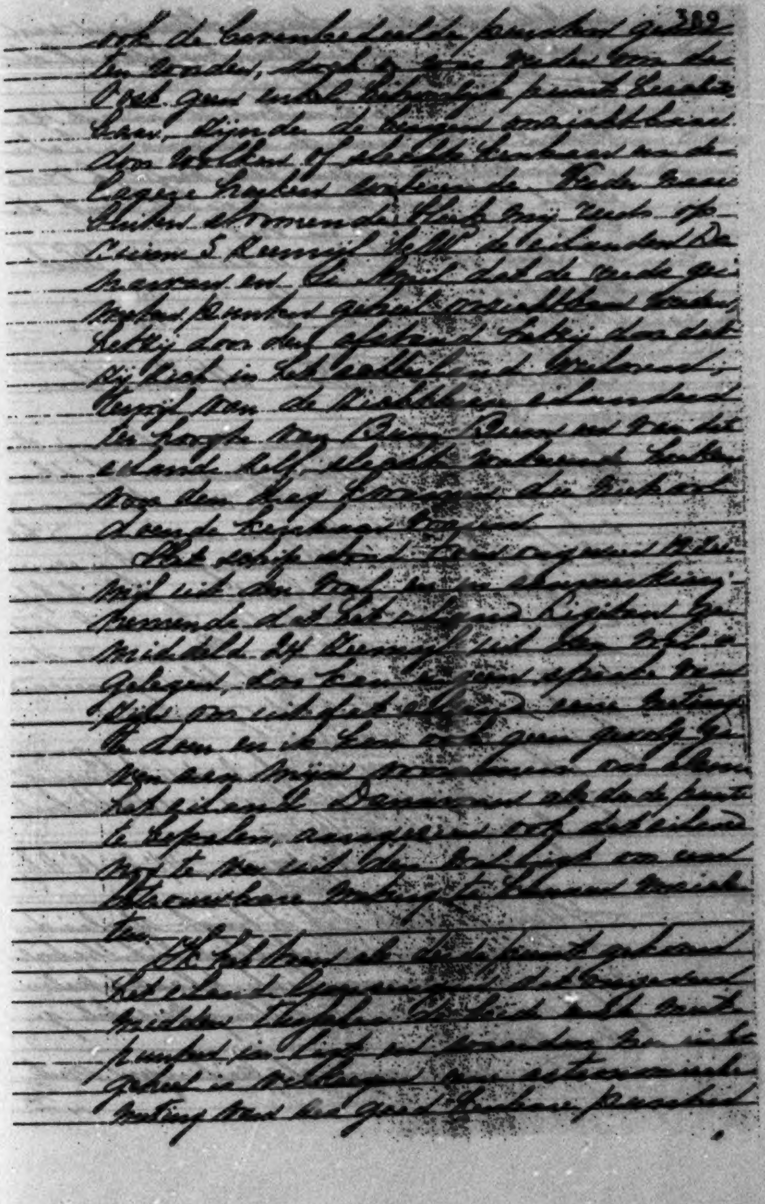
Dat de achterliggende [illegible] punten zijn niet [illegible] gedeeltelijk in [illegible] gehuld [illegible]

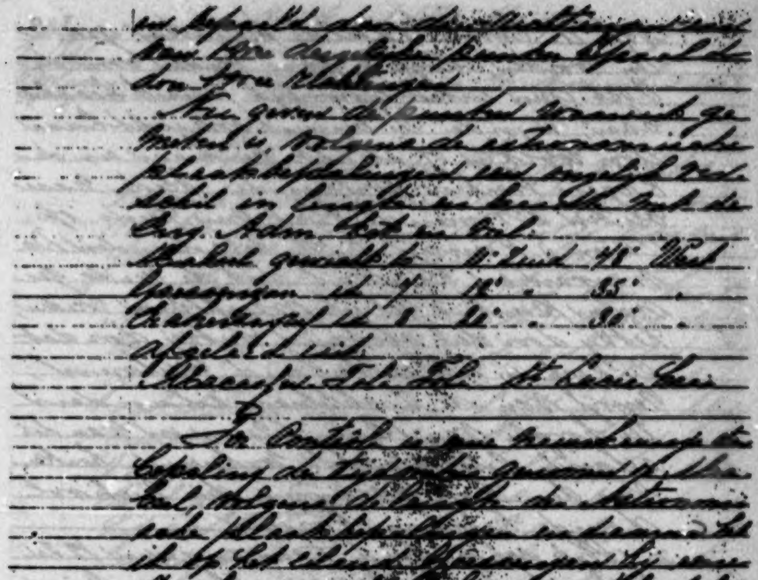
[illegible] is uit het [illegible] van het eiland [illegible] astronomisch bepaald en [illegible]

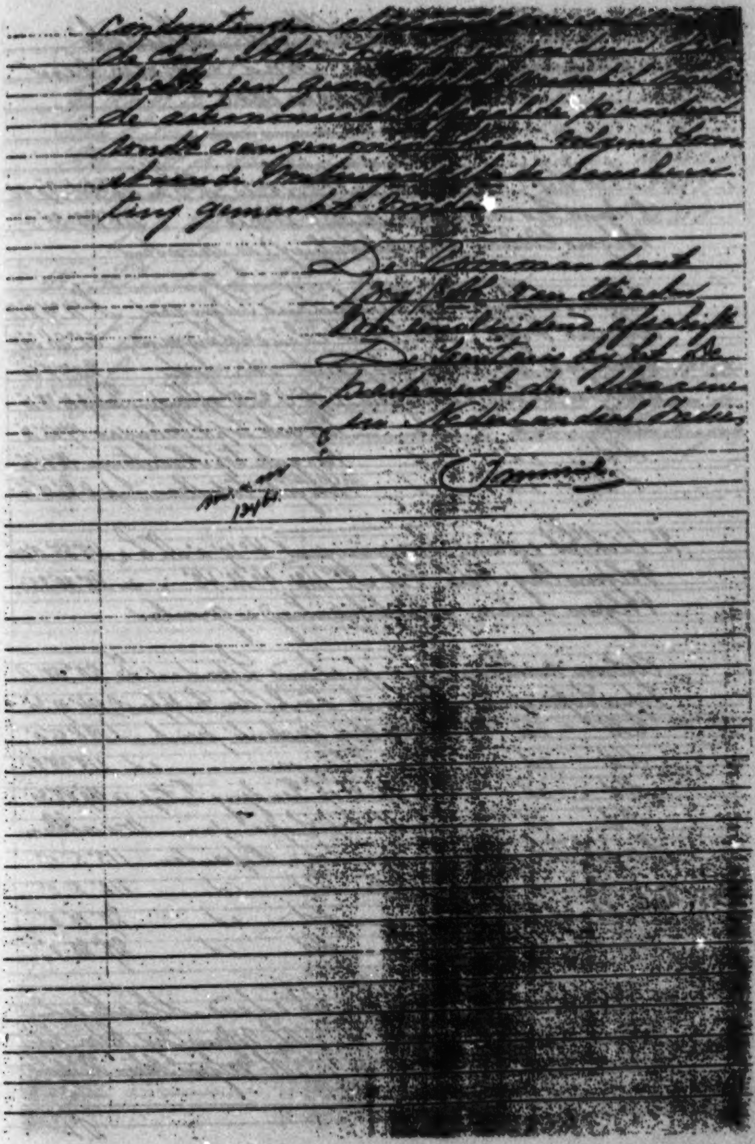
Uit het eiland [illegible] is de [illegible] top van 't eiland Sipadan astronomisch bepaald en [illegible]

De Commandant [illegible]

1 108



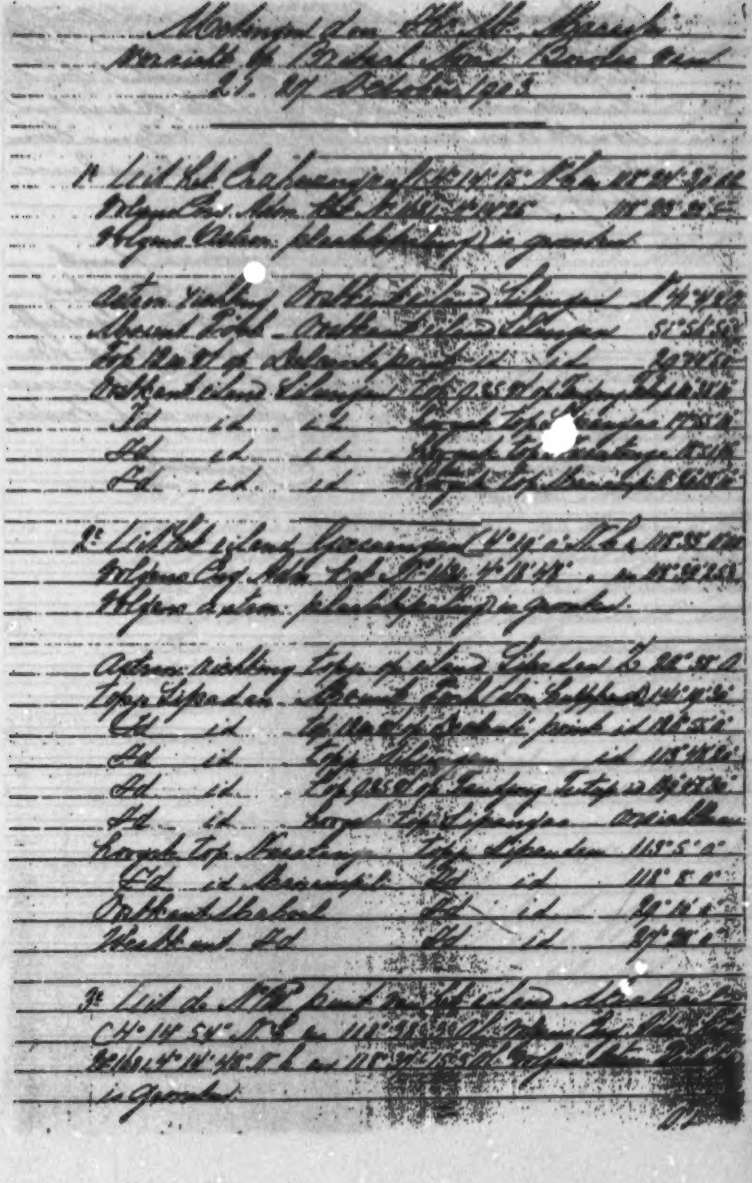




[illegible]
de Comp. [illegible]
[illegible] Gouv[illegible]
de [illegible]
wordt aangenomen [illegible] volgens [illegible]
[illegible] de [illegible]
ting gemaakt worden.

De Commandant
[illegible]
[illegible]
De Secretaris bij het De-
partement der Marine
in Nederlandsch Indië

[illegible]



Metingen door Hr. Ms. [illegible]
verricht op Britsch Noord Borneo van
23. 27 October 1903

1e Uit het [illegible] (4° 14' 15" N.b. en 118° 20' 3[illegible]
volgens Eng. Adm. Kt. N° [illegible]
volgens astron. plaatsbepaling in gronden

Astron. richting Oosthoek eiland Silungan [illegible]
[illegible] Oosthoek eiland Silungan 51°58'[illegible]
Top N.W. of [illegible] point id id [illegible]
Oosthoek eiland Silungan Top [illegible] of Tandjong [illegible]
Id id id Hoogste top [illegible]
Id id id Hoogste top [illegible]
Id id id Hoogste top [illegible]

2e Uit het eiland [illegible] (4° 1[illegible]' [illegible] N.b. en 118° 5[illegible]
volgens Eng. Adm. Kt. N° [illegible] 4° 10' 48" . en 118° [illegible]
volgens astron. plaatsbepaling in gronden.

Astron. richting Top of eiland Sipadan [illegible]
Top Sipadan [illegible]
Id id top N.W. of [illegible] point id 118°5[illegible]'0"
Id id Top [illegible] id 118°4[illegible]'0"
Id id Top [illegible] of Tandjong Tutop id [illegible]
Id id Hoogste top [illegible] onzichtbaar
Hoogste Top [illegible] Top Sipadan 118°5'0"
Id id [illegible] Id id 118°8'0"
Oosthoek [illegible] Id id 39°14'0"
Westhoek Id Id id 37°20'0"

3e Uit de N.W. punt van het eiland [illegible]
(4° 14' 54" N.b. en 118° 38' [illegible] O.L. volgens Eng. Adm. [illegible]
[illegible] 4° 14' 4[illegible]" N.b. en 118° 3[illegible]' [illegible] O.L. volgens [illegible]
in gronden.

O.L.

Peiling hoogste top op eiland Sibangen			N 83°W
[illegible]	Top	Sibangen	48°15'0
[illegible]	id	id	55°18'0
Top Sibangen	id	id	58°4[illegible]'0
Top [illegible]	id	id	28°30'0
[illegible] Top [illegible]	id	id	8°49'0
[illegible] Top [illegible]	id	id	26°34'0

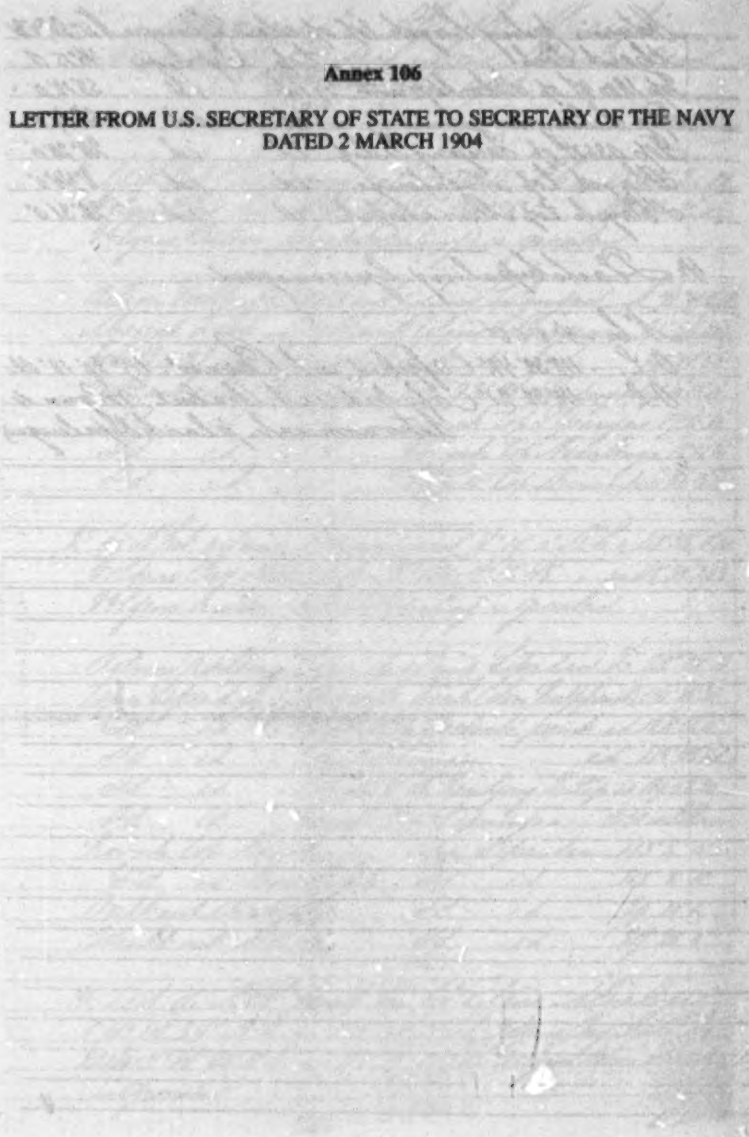
4e Plaatsbepaling [illegible]

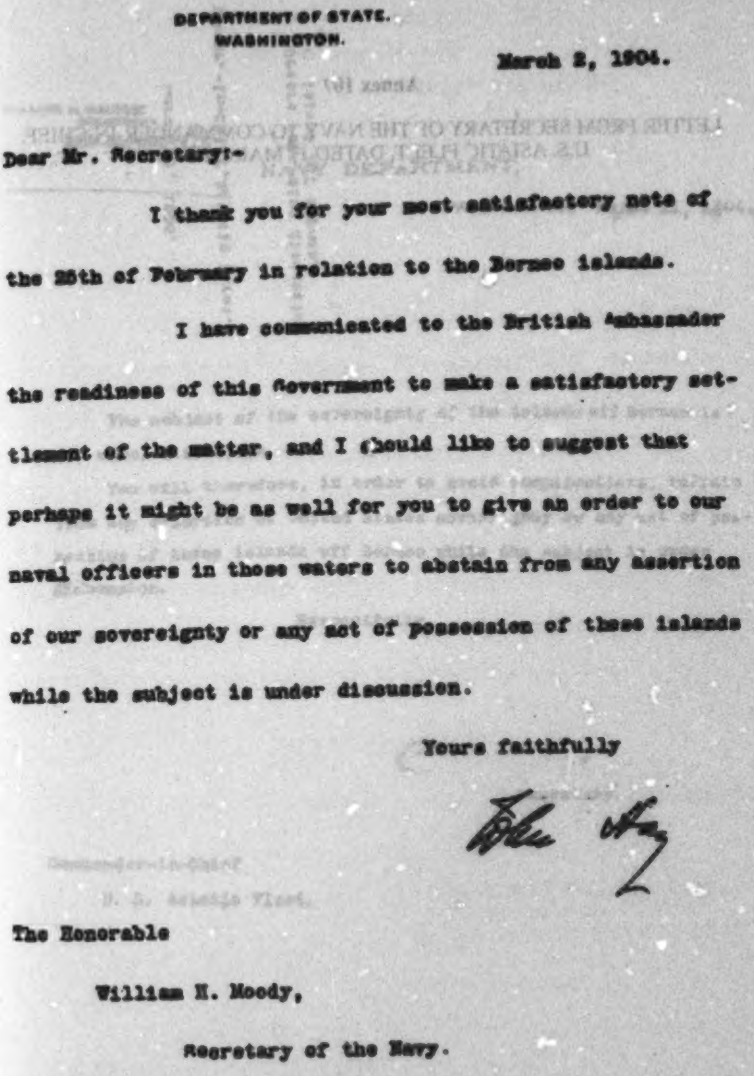
N. Br. 4°8'55"
O.L. 118°38'47" (afgeleid uit [illegible] 117°[illegible])
O.L. 118°38'21" (afgeleid uit [illegible] volgens Astronomische plaatsbepaling)

5e

Annex 106

LETTER FROM U.S. SECRETARY OF STATE TO SECRETARY OF THE NAVY DATED 2 MARCH 1904





DEPARTMENT OF STATE.
WASHINGTON.

March 2, 1904.

Dear Mr. Secretary:-

I thank you for your most satisfactory note of the 25th of February in relation to the Borneo islands.

I have communicated to the British Ambassador the readiness of this Government to make a satisfactory settlement of the matter, and I should like to suggest that perhaps it might be as well for you to give an order to our naval officers in those waters to abstain from any assertion of our sovereignty or any act of possession of these islands while the subject is under discussion.

Yours faithfully

John Hay

The Honorable

William H. Moody,

Secretary of the Navy.

Annex 107

LETTER FROM SECRETARY OF THE NAVY TO COMMANDER-IN-CHIEF, U.S. ASIATIC FLEET, DATED 11 MARCH 1904

WILLIAM H. MOODY,
SECRETARY.

Comdr.-in-Chief, Asiatic Fleet.
March 11, 1904.
Orders regarding discussion
Islands off Borneo.

NAVY DEPARTMENT,

WASHINGTON, March 11, 1904.

The subject of the sovereignty of the islands off Borneo is now under discussion.

You will therefore, in order to avoid complications, refrain from any assertion of United States sovereignty or any act of possession of those islands off Borneo while the subject is under discussion.

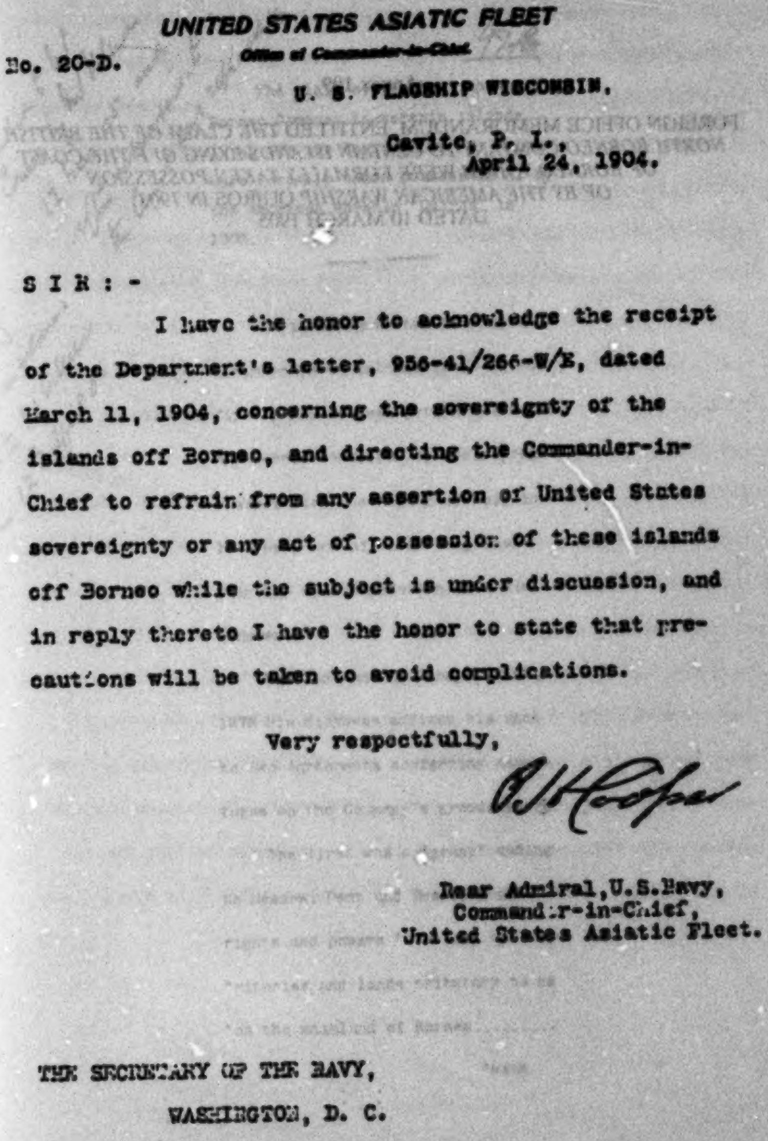
Respectfully,

Secretary.

Commander-in-Chief
U. S. Asiatic Fleet.

Annex 108

LETTER FROM COMMANDER-IN-CHIEF, U.S. ASIATIC FLEET, TO SECRETARY OF THE NAVY, DATED 24 APRIL 1904



UNITED STATES ASIATIC FLEET
Office of Commander-in-Chief

No. 20-D.

U. S. FLAGSHIP WISCONSIN.

Cavite, P. I.,
April 24, 1904.

SIR: -

I have the honor to acknowledge the receipt of the Department's letter, 956-41/266-W/E, dated March 11, 1904, concerning the sovereignty of the islands off Borneo, and directing the Commander-in-Chief to refrain from any assertion of United States sovereignty or any act of possession of these islands off Borneo while the subject is under discussion, and in reply thereto I have the honor to state that precautions will be taken to avoid complications.

Very respectfully,

P. H. Cooper

Rear Admiral, U.S.Navy,
Commander-in-Chief,
United States Asiatic Fleet.

THE SECRETARY OF THE NAVY,
WASHINGTON, D. C.

Annex 109

FOREIGN OFFICE MEMORANDUM, ENTITLED *THE CLAIM OF THE BRITISH NORTH BORNEO COMPANY TO CERTAIN ISLANDS LYING OFF THE COAST OF BORNEO WHICH WERE FORMALLY TAKEN POSSESSION OF BY THE AMERICAN WARSHIP* QUIROS *IN 1903*, DATED 10 MARCH 1905

Handed to Ld Currie by Ld Villiers 22 Mar: 05. and after submission to the Court was official W:

97a

The claim of the British North Borneo Company to certain islands lying off the Coast of Borneo which were formally taken possession of by the American Warship "Quiros" in 1903.

To investigate the Company's claim to these islands it is in the first place necessary to examine the Agreements concluded by their predecessors with the Sultan of Sulu in 1878 upon one of which they have laid the main foundation of their argument.

We find that on January 22nd, 1878 His Highness affixed his seal to two Agreements conferring advantages on the Company's predecessors. The first was a "grant" ceding to Messrs. Dent and Overbeck all rights and powers "over all the ter-"ritories and lands tributary to us "on the mainland of Borneo.........

"with

Sent verbally by Ld Currie at an interview he had with Ld Villiers on the 12th April 05.

'with all the islands within three 'marine leagues of the Coast.'

The second, apparently a sort of sequel to the 'grant', was termed a 'Commission' and invested Baron de Overbeck, as principal representative of 'his company in Borneo', with the titles of 'Datu Bendahara and Rajah of Sandakan', full authority being given him over the territories enumerated in the 'grant'. The latter are, however, not described in exactly the same manner as in the first Agreement: those on the mainland are defined in almost identical terms, but the islands are only referred to as those belonging to the territories on the mainland. Fortunately no misconception is possible as to the meaning of this term, for, from the wording of the 'commission', it is absolutely clear that no other islands are meant than those specified in the 'grant'. The Company, however, laying no stress on the first Agreement, which appears to be the more important, - its existence is only once alluded to in the correspondence - base their whole claim on the wording of the 'Commission', although a glance at the two Agreements with the Sultan of Sulu seems to place the meaning beyond all doubt. Therefore, since all the islands visited by the 'Quiros' lie admittedly beyond the three marine league limit from the coast and since neither the Company nor their predecessors obtained any further territorial concessions from the Sultan, the Company's case falls at

once

ence to the grant, for they can never have had any rights to the islands they now claim.

Even supposing, however, that the "Commission" conveyed more extensive rights than did the "Grant", the Company's present claim would be no stronger, for their title to no part of their cessions became complete until the signature of the Madrid Protocol of 1885. Previous to that date the whole of the territories which had belonged at any time to the Sultans of Sulu, including those on the mainland of Borneo, were claimed by Spain and, as the division of these territories between the Company and Spain, which was one of the objects of the Protocol of 1885, assigned to the Spaniards all the islands lying more than three marine leagues from the coast, the Company must have been deprived by this instrument of rights, if they ever possessed any, extending beyond that limit.

The next point to be considered is the line of argument followed by the Company in explanation of the Protocol itself, which in clear terms denied to them any rights over territories lying outside the three marine league limit. The Company, in their letter of July 13th, 1903, suggested that the Spanish Government had not interfered with their control of the islands in question, because of their belief that they formed a portion of "the territories "of the continent of Borneo." This is a misinterpretation of the meaning to be attached to these words.

marine

It

It is only necessary to read Article III of the Protocol to see that "les "territoires du continent de Bornéo" means "the territories on the main"land of Borneo" for the special mention of islands directly afterwards would otherwise be quite superfluous. Further, even supposing the words to be susceptible of the meaning the Company desire to attribute to them, they could, in any case, according to the wording of the Article, only apply to islands situated within the immediate vicinity of the shore, and certainly not to any of those lying outside the three marine league limit.

February 1903

In his letter of the 3rd instant Mr. Cowie states that, while the Protocol of 1885 declared that Spain renounced all pretensions to

islands

islands lying within three marine leagues of the coast of Borneo, it did not say that she "claimed" islands administered by the Company. The use of the word "claimed" seems rather out of place, for, on the signature of the Protocol of 1885, one part of the Spanish claims became established rights, and the other part vanished entirely. It seems therefore that by the word "claimed", Mr. Cowie means "obtained confirmation of her rights". It then appears as if, in his further study of the Protocol, Mr. Cowie confined his attention to Article III and obtained the impression that the signature of the Protocol on the part of Spain was purely an act of self denial. But by Articles I and II the two Powers - Great Britain and Germany - undertook to recognize

the

the rights of Spain over the 'Sulu Archipelago' which is so defined as to include the islands at present in question, inasmuch as they all lie at a distance of more than three marine leagues from the shore, and the fact of their being administered by the Company has no bearing on the question.

It has already been shown that, if the Company were, at the time of the signature of the protocol of 1885, carrying on the administration of the islands at present in question, they had no established right to do so. Furthermore, there is some doubt whether the islands were, as a matter of fact, administered by the Company at that date, for, whereas in their letter of July 13th, 1903, they state that they had been in

in their predecessors' possession for seven years previously to 1885, it seems that such was not the case in 1882. In a conversation with Lord Granville on January 6th of that year (see His Lordship's despatch to Mr. Morier No.3), the Spanish Minister complained that a painful impression had been produced in his country by the 'establishment by the 'Borneo Company of factories in the 'smaller islands' of the Sulu Archipelago. The attention of Mr. Dent was called to this complaint and on January 9th, 1882, that gentleman telegraphed to Sir J. Pauncefote 'Our people cannot have occupied any 'islands outside our cessions which 'comprise islands within three 'leagues of the coast.' This telegram was supplemented by a letter

dated

dated the same day, which commences with the following sentence "We 'have not sent any instructions to 'the Company's Representatives 'abroad that would authorise them 'in any way to form settlements on 'islands not included in the grants '(which comprise the islands within '3 leagues of the coast); and, as 'far as I am aware, we have, as yet, 'no settlements on any islands at 'all."

It is worthy of note that this piece of history also proves that the Company's predecessors did not in 1882 consider that they had any rights extending beyond the three marine league limit from the shore. Indeed, the idea that they had such rights seems only to have been quite recently adopted, for, as late as the year 1900, they admitted that they had no rights, beyond those proceeding from long occupancy, over the islands of Taganac and Baguan, both of which they now state were ceded to them in 1878. In the enclosures to a letter from the Company to the Foreign Office dated July 25th, 1900, we find that, on June 7th of that year, Governor Clifford wrote to the Company in reference to these two islands 'After 'a careful search in the records of 'my office, I have failed to find 'anything to show that the islands 'in question were ever formally ceded 'to us' and that the Company in their reply dated July 20th stated 'It 'is true that the islands were not 'included in the cession to the Company.' The same could not but ap-

the

ply

apply to all the other islands now claimed.

So far the Company's arguments have been dealt with, but a few more remarks are perhaps called for. The fact that the Spaniards did not interfere with the Company's control over a few small islands lying within the limits of their possessions does not seem to need much explanation. Except during certain brief periods, the Spaniards pursued a very inactive policy in the Sulu Archipelago and, even when they claimed the sovereignty not only over the whole Archipelago, but also over certain parts of the mainland of Borneo, they were never in occupation of more than a very few points and these only on the more important of the islands. It is, indeed, most probable that the Spaniards were ignorant of the fact that the Company had occupied a few islets rightly belonging to them.

Mr. Goris claims to be supported in his contentions by the fact that the Protocol of 1885 specially included within the Spanish Sphere the islands of Balabac and Cagayan Sulu, both of which lie far beyond the three marine league limit, but his theory regarding the special confirmation of Spanish rights over these two islands cannot be maintained.

The real reason for which the two islands were specially mentioned and the importance to Great Britain and Germany that they should be formally recognised by Spain as falling within the Sulu Archipelago, in which the free exercise of trade was guaranteed. That this reason, which can afford no support to Mr. Cowie, was the correct one is proved by a passage in Lord Granville's despatch to Mr. de Bunsen No.91 of July 16th, 1884, where His Lordship stated that the special mention of the two islands was made 'in order 'to avoid the occurrence of such 'cases as that of the 'Royalist', the facts of which case are as follows:-

In September 1883, a British vessel named the 'Royalist', owned by Mr. Cowie himself, was refused the right to trade with the Spanish settlement on the island of Balabac (see Consul General Leys' despatch No.12 of September 27th). By the Madrid Protocol of March 11th, 1877, Spain had undertaken to grant freedom of commerce in all parts of the Sulu Archipelago at any time occupied by her and, Balabac being regarded by His Majesty's Government as belonging to that Archipelago, representations were made to the Spanish Government. The latter upheld the action of their officials on the spot stating that Port Alfonso was not amongst the ports of the Philippines which were open to foreign trade (see Mr. de Bunsen No.74 of July 1st, 1884). The object of the special mention of these two islands, both of a certain importance, was, therefore, to prevent freedom of trade being refused on the ground that they did not form part of the Sulu Archipelago from the principal part of which they are

Spain

both

both distant.

The only remaining point in the Company's case is the declaration made by the present Sultan of Sulu on April 22nd, 1903, in which His Highness stated that various islands lying outside the three marine league limit, which are mentioned by name and include those visited by the "Quiros", were understood to have been ceded in the "Agreement" of January 22nd, 1878 and that the new declaration was made to remove all doubt which might arise from the fact of their names not having been mentioned in that "Agreement". In view of what has already been said, the Sultan's declaration cannot be adduced in support of the Company's claim, as the limits of sovereignty in the Sulu Archipelago had already been fixed by international agreement and no statement on the part of His Highness could possibly alter them.

In the summer of 1903, when the Company claimed the islands, it was held by His Majesty's Government that the rights of the United States were indisputable and the only reason for approaching the United States Government was to find out whether, as they were not likely to derive any benefit from the possession of the islands, they would be willing to forego their rights to them as an act of grace towards the Company, who, according to their statement, had been carrying on the administration for many years and were desirous of continuing to do so. The United States Government,

however

however, seem to have thought that it was desired to question their right under the belief that the islands were really within the three marine league limit and, in December last, suggested a joint examination of the boundary line.

Foreign Office.
March 1905.

Annex 110

MEMORANDUM FROM BRITISH AMBASSADOR, WASHINGTON, TO U.S. SECRETARY OF STATE, DATED 23 JUNE 1906

Enclosure in Sir H.M.Durand's No. 337 of December 23, 1906.

Copy of Memorandum for the Secretary of State of the United States.

MEMORANDUM.

624
JAN 7 1907

The Secretary of State's semi official note of January 12th in regard to the control of certain islands in North Borneo, was duly forwarded by His Majesty's Embassy to Sir Edward Grey, who has now replied giving the views of the British North Borneo Company on the four points raised in that note.

In regard to the first point, the Company deprecate having to submit a chart shewing the line dividing North Borneo from American Territory. They point out that to prepare such a chart would necessitate the despatch of a joint delimitation Commission which would involve considerable expense. His Majesty's Embassy is, however authorised to communicate to the State Department the enclosed map as shewing the limits within which the Company desire to carry on the administration.

Map.

2. The Company would like to be left undisturbed in the administration of the islands, without any detailed agreement, the United States Government simply waiving in favour of the Company their right to administer, which it is believed they have no special desire to exercise; but if this is not possible the Company would prefer to continue the administration on leases renewable, say every twenty five years paying the annual rent of $150.00 as suggested before.

3. The Company suggest that in case of denunciation, the United States Government should agree to recognize titles and concessions granted in the islands by the Company, and should pay the Company for improvements.

4. In the event of the United States Government agreeing to refrain from administering the islands, the Company will, as a matter of course, agree to the exemption of the

United

United States Government from any claim or allegation of responsibility arising out of acts done in or from any islands within the proposed line of demarcation.

They do not suppose that it was the intention of the Department of State to disclaim responsibility for the consequences of acts done in and from American islands under the direct control of the United States Administration.

BRITISH EMBASSY,
WASHINGTON,
June 23rd, 1906.

Annex 111

LETTER FROM THE DIRECTOR OF COAST SURVEYS
DATED 13 OCTOBER 1906

2nd Indorsement,
COAST AND GEODETIC SURVEY,
Manila, P. I.,

October 13th, 1906.

Respectfully returned to the Executive Secretary with the following statement.

On December 30th, 1903 the Adjutant General, U. S. Army addressing the Commanding General, Division of the Philippines, stated that by "direction of the Secretary of War, a copy of a letter from the Secretary of State to the Secretary of the Navy, dated April 3rd, 1903, relating to boundary lines of the Philippine Archipelago, was transmitted to your headquarters and in letter accompanying, it was stated that 'A new map of the Philippine Islands, in which the exact boundary lines according to the treaties between the United States and Spain, are indicated, is now in preparation and will be forwarded as soon as ready.'"

The State Department when asked to approve or correct a map submitted by the War Department, on which a tentative boundary line was drawn found itself "unable either to confirm or alter the line drawn ex parte upon the chart," advised against the insertion of the boundary line, recommending instead, the insertion of a note summarizing the treaty of Nov. 7th, 1900 between the United States and Spain.

On December 15th, 1903 the Secretary of War requested the State Department to inform the War Department what island is considered to be included under the description "any and all islands belonging to the Philippine Archipelago, lying inside of the line described in Article 3 of that treaty (the treaty of Paris) contained in the treaty with Spain, signed Nov. 7th, 1900."

The reply to this not being satisfactory and the question of boundary being one to be decided by the State Department, the Secretary of War directed until the State Department can make official declaration of the exact location of the boundary lines, between British and American possessions in the Sulu Sea that all War Department official maps of this section shall contain the following notes;

"The proctocol of 1885, between England, Germany and Spain (a) expressely recognized the sovereignty of Spain "over places effectivàly occupied, as well as over those places not yet occupied, of the Archipelago of Sulu:" (b) defined the limits of the Archipelago as extending from Mindanao to Borneo and Palawan and including Balabac and Cagayan-Jolo; but (c) relinquished to Great Britain all claims of sovereignty derived from the past sovereignty of the Sultan of Sulu over territory of the mainland of Borneo, and in addition, over the Islands of Balambangan, Banguey and Malawali, together with a water strip three marine leagues in width along the coast of the Bornean mainland.

By a treaty signed Nov. 7, 1900, Spain relinquished to the United States all title to islands belonging to the Philippine Archipelago and lying outside of the lines described in the treaty of Peace of December 10, 1898; and in particular to Cagayan-Sulu and Sibutu and their dependencies."

This Office has received no notice that the State Department has yet laid down the official position of the boundary line but our charts show that at the nearest point at which Taganak Island approaches the main land of Borneo it is 14.1 nautical miles from the latter; the British chart shows the shortest distance from the main land of Borneo to the island to be 14.5 nautical miles which is 5.5 miles inside the line of demarcation.

But it will be recalled in this connection, that about three years ago one of our gun boats raised the American Flag on this island and emphasized our claim by setting up a notice in which it was set forth. The result of this action was considerable excitement and from general recollection here there is a strong impression that the result was the United States made some concessions involving the islands which commanded the entrance to Sandakan and whose possession only served as an irritation to our neighbours. Confirmation of this can probably be secured from the Army or Navy authorities. Capt. W. C. Rivers was sent on a special mission south in connection with this matter.

I send you a copy of our chart No. 4720 on which is shown the relation of Taganak island and Borneo; also a copy of the British Admiralty Chart of the same section. We have but this one copy of the British Admiralty chart and would be pleased with its early return.

It would be very desirable if the location of this line could be laid down so as to be beyond all questioning and inquiry might develop that the State Department had completed the map referred to in the letter from the Secretary of State to the Secretary of the Navy of the date given April 3rd, 1903.

(Signed) JOHN F. McGRATH,

Director of Coast Surveys.

Annex 112

LETTER FROM U.S. SECRETARY OF STATE TO BRITISH AMBASSADOR, WASHINGTON DATED 19 DECEMBER 1906

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, December 19, 1906.

DEAR MR. AMBASSADOR: Your note of November 6 reminded me that a response has not yet been forthcoming to the memorandum which you left with me on the 23d of June last in relation to the administration or leasing of certain small islands on the North Bornean coast by the British North Borneo Company.

The matter has required much consideration and involved delay which I regret, and even at this late day I am not at all clear as to the most practical way to give effect to the desire of your Government by a formal agreement.

I apprehend that the difficulty in the way of a conventional delimitation of the boundary between the former possessions of Spain in the Sulu Archipelago, now belonging to the United States, and the North Bornean territories on or adjacent to the mainland of Borneo, may lie in the circumstance that the North Bornean domain is not an imperial possession of Great Britain, but is held by a British Chartered Company under grant of the native Sultans and under the protection of the Crown in virtue of such grant. If this be so, I can discern impediments to an international convention between our two countries for establishing a boundary line between their respective sovereignties—and I can equally see that objections might be raised to undertaking to fix that boundary by agreement between this Government and a chartered corporation having per se no national status.

Something of the same difficulty might arise in the case of the United States undertaking to lease the islands to a chartered company not having the standing of a government. The third condition of your memorandum illustrates this point, suggesting, as it does in effect, that such a lease should carry with it power to the company to grant titles and concessions binding upon the United States and to make valuable improvements, which would be an eventual charge upon this Government should the United States terminate the lease and reenter upon the property.

The second proposition of the company seems, on the whole, to be preferable and safer, namely, that the company be left undisturbed in the administration of the islands, without any detailed agreement, the United States Government simply waiving in favor of the company their right to such administration in the meantime—in other words, that the existing status be continued indefinitely at the pleasure of the parties. It might be agreed that such an understanding shall be with the British Government, acting on behalf of the interests of British subjects; that it shall not carry with it territorial rights (such as those of grants and concessions), that the waiver shall cover the islands to the westward and southwestward of the line traced on the map which accompanied your memorandum of June 23; that the company (through the British Government) shall agree to the exemption of the United States from any claim or allegation of responsibility arising out of acts done in or from any islands within the said line, and that the understanding shall continue until the two Governments may by treaty delimit the boundary between their respective domains in that quarter, or until one year's notice of termination, to be given by either to the other.

I should be glad to have the views of your Government on these suggestions.

I am, my dear Sir Mortimer,
Very faithfully, yours,
ELIHU ROOT.

Annex 113

LETTER FROM BRITISH AMBASSADOR TO U.S. SECRETARY OF STATE DATED 3 JULY 1907

British Embassy

[illegible]

Sir,

I have the honour to inform you that His Majesty's Government, acting at the request and on behalf of the British North Borneo Company, are prepared to acquiesce in the plan proposed and stated in your letter to Sir H.M. Durand of the 19th of December last, respecting the administration of certain islands on the East Coast of Borneo. I am therefore instructed by His Majesty's Principal Secretary of State for Foreign Affairs to place the proposed arrangement formally on record without further delay.

His Majesty's Government understand the terms of the arrangement to be as follows:

Firstly: that the said Company be left undisturbed in the administration of the islands in question without any agreement specifying details, the United States Government simply waiving in favour of the said Company their right to such administration in the meantime, in other words, that the existing status be continued indefinitely at the pleasure of the two Governments concerned.

Secondly: that such privilege of administration shall not carry with it territorial rights, such as the power of making grants or concessions in the islands in question to extend beyond the temporary occupation of the company, and any grant, concession or license, made by the company shall cease upon the termination of the company's occupation.

Thirdly: that the temporary waiver of the right of administration on the part of the United States Government shall never

I have the honour etc.

(Signed) James Bryce

The Honourable

Elihu Root

etc., etc., etc.

File 624/07

24581
JUL 23 1907

Copy.

BRITISH EMBASSY,
INTERVALE, N.H.
July 3. 1907.

[illegible]

Sir,

I have the honour to inform you that His Majesty's Government, acting at the request and on behalf of the British North Borneo Company, are prepared to acquiesce in the last proposal stated in your letter to Sir H.M.Durand of the 19th of December last, respecting the administration of certain islands on the East Coast of Borneo. I am therefore instructed by His Majesty's Principal Secretary of State for Foreign Affairs to place the proposed arrangement formally on record without further delay.

His Majesty's Government understand the terms of the arrangement to be as follows.

"Firstly: that the said Company be left undisturbed in the administration of the islands in question without any agreement specifying details, the United States Government simply waiving in favour of the said company their right to such administation in the meantime, in other words, that the existing status be continued indefinitely at the pleasure of the two Governments concerned.

"Secondly: that such privilege of administration shall not carry with it territorial rights, such as those of making grants or concessions in the islands in question to extend beyond the temporary occupation of the company, and any grant, concession or licence, made by the company shall cease upon the termination of the company's occupation.

"Thirdly: that the temporary waiver of the right of administration on the part of the United States Government shall

cover

The Honourable

Elihu Root

etc., etc., etc.

cover all the islands to the westward and southwestward of the line traced on the map which accompanied Sir H.M.Durand's memorandum of the 23rd of June, 1906, and which is annexed to and to be deemed to form part of this Note.

"Fourthly: that the British North Borneo Company, through His Majesty's Government, shall agree to the exemption of the United States Government from any claim or allegation that the latter Government has incurred any responsibility in respect of acts done in or from any island within the said line.

"Fifthly: that the understanding shall continue until the said two Governments may by Treaty delimit the boundary between their respective domains in that quarter, or until the expiry of one year from the date when notice of termination be given by either to the other.

"Sixthly: that in case of denunciation, the United States Government shall not be responsible for thevalue of any buildings or improvements which may have been erected or made by the company upon the islands, but permission is hereby given to the company to remove, at its own expense, any buildings or improvements erected by it, provided the interests of the United States be not injured thereby."

I have therefore the honour to request you to be so good as to inform me whether the United States adhere to the terms of the arrangement above described, and I shall be glad to receive an assurance from you at the same time that this Note will be considered by the United States Government as sufficient ratification of the above arrangement on the part of His Majesty's Government.

I have the honour etc.

(Signed) James Bryce

Annex 114

LETTER FROM U.S. SECRETARY OF STATE TO BRITISH AMBASSADOR DATED 10 JULY 1907

File 624/07

341
24581
JUL 23 1907

Enclosure in Mr. Bryce's No.165 of July 12, 1907.

Copy of a Note from the Department of State.

No.109 [illegible]

DEPARTMENT OF STATE,
WASHINGTON, July 10, 1907.

Excellency:

I have the honor to acknowledge the receipt of your note No.151 of the 3rd instant, by which you inform me that His Majesty's Government, acting at the request and on behalf of the British North Borneo Company, are prepared to acquiesce in the last proposal stated in the letter of December 19, 1906 from the Secretary of State to Sir H. M. Durand, respecting the administration of certain islands on the East Coast of Borneo, and that you are therefore instructed by His Majesty's Principal Secretary of State for Foreign Affairs to place the proposed arrangement formally on record without further delay.

The understanding of His Majesty's Government of the terms of the arrangement is stated by you to be as follows:

"Firstly: that the said Company be left undisturbed in the administration of the islands in question without any agreement specifying details, the United States Government simply waiving in favor of the said Company the right to such administration in the meantime, in other words, that the existing status be continued indefinitely at the pleasure of the two Governments concerned.

"Secondly: That such privilege of administration shall not carry with it territorial rights, such as those of making grants or concessions in the islands in question to extend beyond the temporary occupation of the company; and any grant, concession or license, made by the company shall cease upon the termination of the company's occupation.

Thirdly

His Excellency
The Rt. Hon. James Bryce, O.M.,
Ambassador of Great Britain.

"Thirdly: That the temporary waiver of the right of administration on the part of the United States Government shall cover all the islands to the westward and southwestward of the line traced on the map which accompanied Sir H. M. Durand's memorandum of the 23rd of June, 1906, and which is annexed to and to be deemed to form part of this note.

"Fourthly: That the British North Borneo Company, through His Majesty's Government, shall agree to the exemption of the United States Government from any claim or allegation that the latter Government has incurred any responsibility in respect of acts done in or from any island within the said line.

"Fifthly: That the understanding shall continue until the said two Governments may by treaty delimit the boundary between their respective domains in that quarter or until the expiry of one year from the date when notice of termination be given by either to the other.

"Sixthly: That in case of denunciation, the United States Government shall not be responsible for the value of any buildings or other permanent improvements which may have been erected or made by the company upon the islands; but permission is hereby given to the company to remove, at its own expense, any buildings or improvements erected by it, provided the interests of the United States be not injured thereby."

The understanding of His Majesty's Government as above recited agreeing with that of the United States, I have the honor formally to announce the adherence of the United States to the arrangement and the acceptance of your note as sufficient ratification of the arrangement on the part of His Majesty's Government.

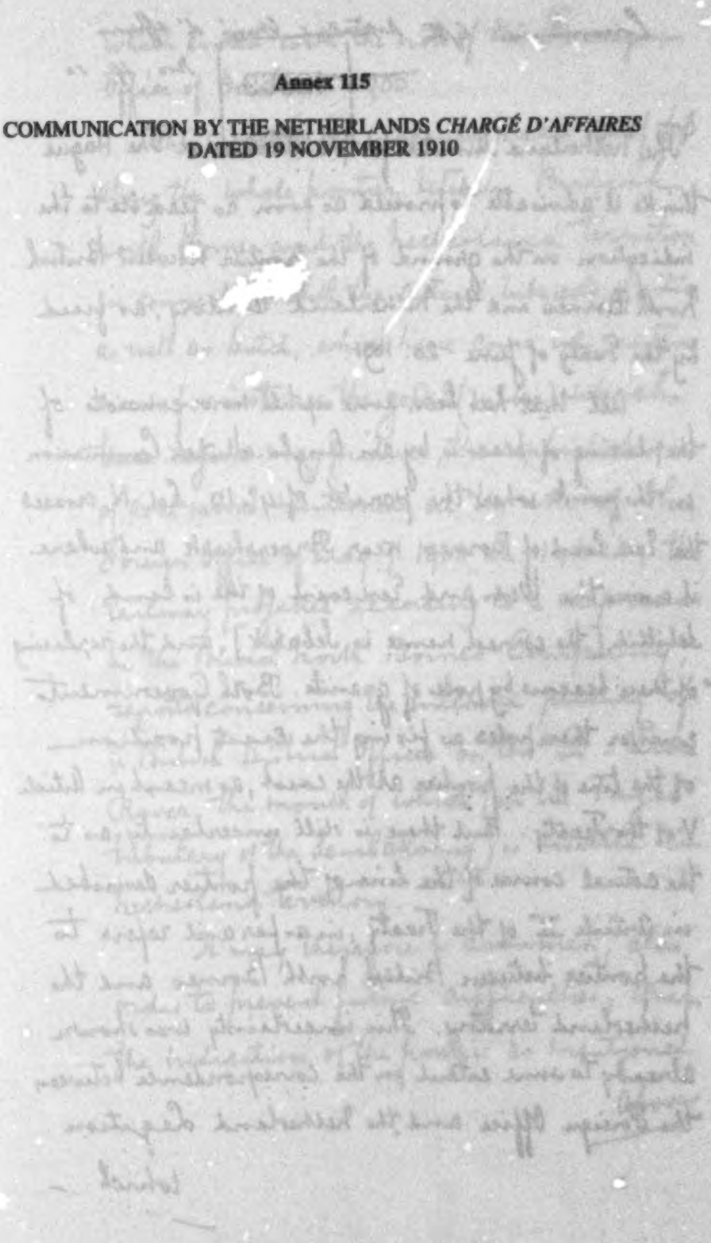
I have the honor to be, etc.,

ROBERT BACON,

Acting Secretary.

Annex 115

COMMUNICATION BY THE NETHERLANDS *CHARGÉ D'AFFAIRES* DATED 19 NOVEMBER 1910

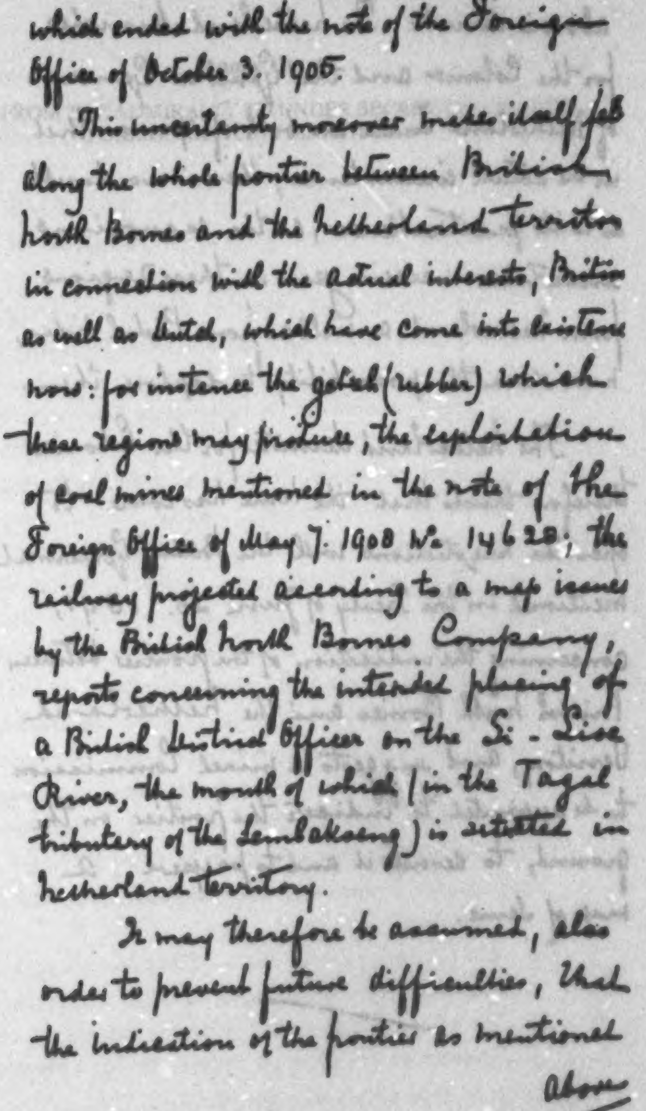


Communicated by the Netherland Chargé d'affaires Nov: 19. 10

42369

The Netherland Minister for the Colonies at The Hague thinks it advisable to proceed as soon as feasible to the indication on the ground of the frontier between British North Borneo and the Netherland territory, as fixed by the Treaty of June 20. 1891.

All that has been done up till now consists of the placing of beacons by an Anglo-Dutch Commission on the points where the parallel of 4°. 10. Lat. N. crosses the East Coast of Borneo near Broershoek and where it crosses the West- and East coast of the island of Sebittik [the correct name is Sebatik], and the replacing of these beacons by poles of granite. Both Governments consider these poles as fixing the exact position of the line of the frontier at the coast, as meant in Article V of the Treaty. But there is still uncertainty as to the actual course of the line of the frontier described in Article II of the Treaty, in as far as it refers to the frontier between British North Borneo and the Netherland territory. This uncertainty was shown already to some extent in the correspondence between the Foreign Office and the Netherland Legation which —



which ended with the note of the Foreign Office of October 3. 1905.

This uncertainty moreover makes itself felt along the whole frontier between British North Borneo and the Netherland territory in connection with the actual interests, British as well as Dutch, which have come into existence now: for instance the getah (rubber) which these regions may produce, the exploitation of coal mines mentioned in the note of the Foreign Office of May 7. 1908 No 14620; the railway projected according to a map issued by the British North Borneo Company, reports concerning the intended placing of a British District Officer on the Si - Lise River, the mouth of which (in the Tagal tributary of the Sembakoeng) is situated in Netherland territory.

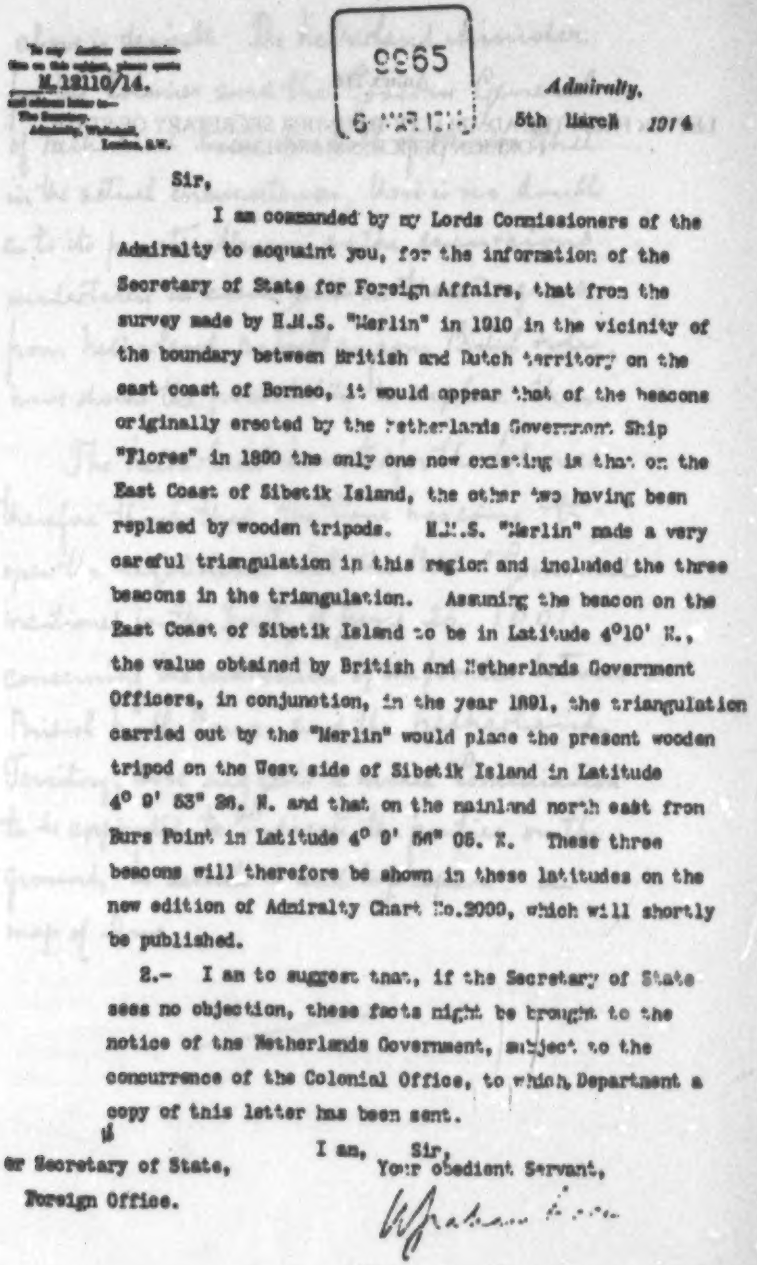
It may therefore be assumed, also order to prevent future difficulties, that the indication of the frontier as mentioned above

above is desirable. The Netherland Minister for the Colonies and the Governor General of Netherland India are both of opinion that in the actual circumstances, there is no doubt as to its practicableness, as the excursions undertaken in recent years in these regions from Netherland as well as from British side, have shown the possibility to explore them.

The Netherland Minister for the Colonies therefore thinks that the time has come to open the negotiations with the British Government mentioned in the Treaty of June 20. 1891, concerning the indication of the frontier between British North Borneo and the Netherland Territory, and suggests a mixed Commission to be appointed to indicate the frontier on the ground, to describe it and to prepare a map of same.

Annex 116

LETTER FROM THE ADMIRALTY TO UNDER SECRETARY OF STATE, FOREIGN OFFICE, 5 MARCH 1914



In any further communication on this subject, please quote
M.12110/14.
and address letter to—
The Secretary,
Admiralty, Whitehall,
London, S.W.

9965
6 MAR 1914

Admiralty.
5th March 1914

Sir,

I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for Foreign Affairs, that from the survey made by H.M.S. "Merlin" in 1910 in the vicinity of the boundary between British and Dutch territory on the east coast of Borneo, it would appear that of the beacons originally erected by the Netherlands Government Ship "Flores" in 1890 the only one now existing is that on the East Coast of Sibetik Island, the other two having been replaced by wooden tripods. H.M.S. "Merlin" made a very careful triangulation in this region and included the three beacons in the triangulation. Assuming the beacon on the East Coast of Sibetik Island to be in Latitude 4°10' N., the value obtained by British and Netherlands Government Officers, in conjunction, in the year 1891, the triangulation carried out by the "Merlin" would place the present wooden tripod on the West side of Sibetik Island in Latitude 4° 9' 53" 26. N. and that on the mainland north east from Bura Point in Latitude 4° 9' 56" 05. N. These three beacons will therefore be shown in these latitudes on the new edition of Admiralty Chart No.2000, which will shortly be published.

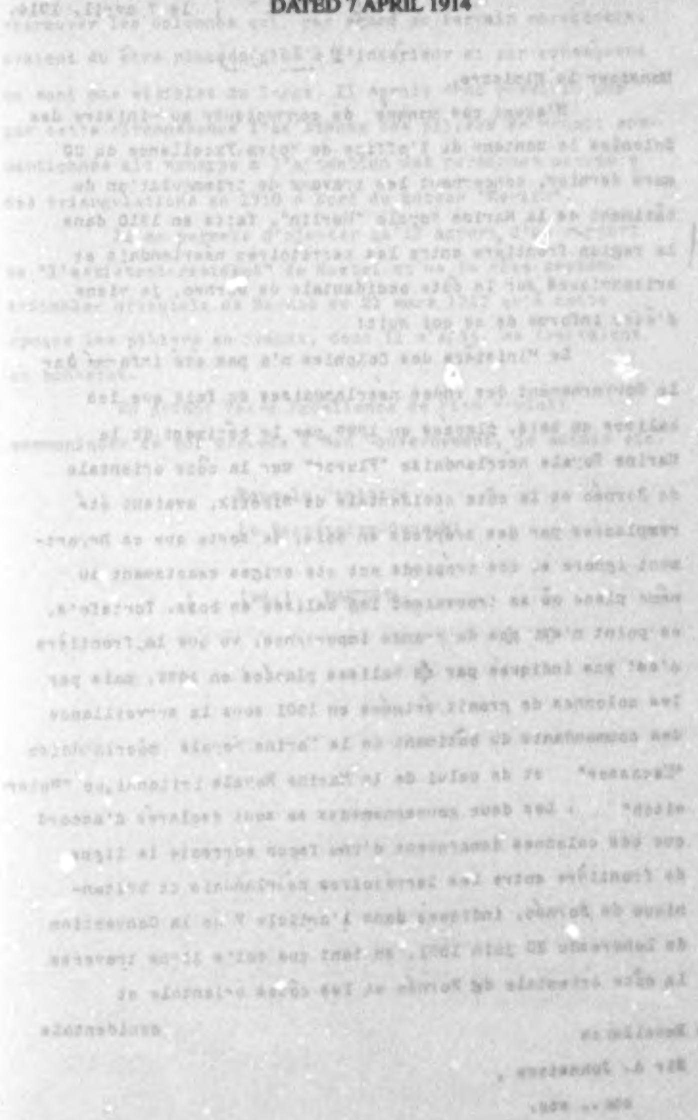
2.- I am to suggest that, if the Secretary of State sees no objection, these facts might be brought to the notice of the Netherlands Government, subject to the concurrence of the Colonial Office, to which Department a copy of this letter has been sent.

I am, Sir,
Your obedient Servant,
W Graham Greene

The Under Secretary of State,
Foreign Office.

Annex 117

LETTER FROM THE SECRETARY GENERAL OF THE DUTCH MINISTRY OF FOREIGN AFFAIRS TO SIR A. JOHNSTONE, FOREIGN OFFICE, DATED 7 APRIL 1914



le 7 avril, 1914.

Monsieur le Ministre,

M'étant empressé de communiquer au Ministère des Colonies le contenu de l'office de Votre Excellence du 20 mars dernier, concernant les travaux de triangulation de bâtiment de la Marine Royale "Merlin", faits en 1910 dans la région frontière entre les territoires néerlandais et britanniques sur la côte occidentale de Bornéo, je viens d'être informé de ce qui suit:

Le Ministère des Colonies n'a pas été informé par le Gouvernement des Indes néerlandaises du fait que les balises de bois, placées en 1889 par le bâtiment de la Marine Royale néerlandaise "Flores" sur la côte orientale de Bornéo et la côte occidentale de Sebatik, avaient été remplacées par des colonnes en béton, de sorte que ce Département ignore si ces colonnes ont été érigées exactement au même place où se trouvaient les balises de bois. Toutefois, ce point n'est pas de grande importance, vu que la frontière n'est pas indiquée par les balises placées en 1889, mais par les colonnes de granit érigées en 1901 sous la surveillance des commandants du bâtiment de la Marine Royale néerlandaise "Macassar" et de celui de la Marine Royale britannique "Waterwitch"; les deux gouvernements se sont déclarés d'accord que ces colonnes démarquent d'une façon correcte la ligne de frontière entre les territoires néerlandais et britanniques de Bornéo, indiquée dans l'article V de la Convention de Londres du 20 juin 1891, en tant que cette ligne traverse la côte orientale de Bornéo et les côtes orientale et occidentale

Son Excellence

Sir A. Johnstone,

etc., etc.

Mauré in Sir Alan Johnstone's No. 8 Consular of April 8,1914.

Ministère des Affaires Etrangères, La Haye,
le 7 avril, 1914.

Monsieur le Ministre,

N'ayant pas manqué de communiquer au Ministre des Colonies le contenu de l'office de Votre Excellence du 20 mars dernier, concernant les travaux de triangulation du bâtiment de la Marine Royale "Merlin", faits en 1910 dans la region frontière entre les terrétoires néerlandais et britanniques sur la côte occidentale de Borneo, je viens d'être informe de ce qui suit:

Le Ministère des Colonies n'a pas été informé par le Gouvernement des Indes néerlandaises du fait que les balises en bois, placées en 1899 par le bâtiment de la Marine Royale néerlandaise "Flores" sur la côte orientale de Bornéo et la côte occidentale de Sibetik, avaient été remplacées par des trépieds en bois, de sorte que ce Department ignore si ces trépieds ont ete eriges exactement au même place où se trouvaient les balises en bois. Toutefois, ce point n'est pas de grande importanse, vu que la frontière n'est pas indiquée par ces balises placées en 1899, mais par les colonnes de granit érigées en 1901 sous la surveillance des commandants du bâtiment de la Marine Royale néerlandaise "Macasser" et de celui de la Marine Royale britannique "Waterwitch" . Les deux gouvernements se sont declarés d'accord que ces colonnes demarquent d'une façon correcte la ligne de frontière entre les terrétoires néerlandais et britannique de Bornéo, indiquée dans l'article V de la Convention de Londres du 20 juin 1891, en tant que cette ligne traverse la côte orientale de Bornéo et les côtes orientale et

occidentale

Son Excellence
Sir A. Johnstone ,
etc., etc.

occidentale de Sibetik, comme il appert de la correspondance de 1902 entre Lord Lansdowne et le Baron Gericke de Herwijnen.

Les balises en bois, erigées par le bâtiment "Flores" en 1899, ne furent pas enlevées en 1901, parce que se trouvant au bord des mangroves elles étaient utiles à retrouver les colonnes qui, par égard au terrain marécageux, avaient du être placées plus à l'intérieur et par conséquent ne sont pas visibles du large. Il serait donc possible que par cette circonstance l'existence des piliers de granit susmentionnés ait échappé à l'attention des personnes occupées des triangulations en 1910 à bord du bateau "Merlin".

Je me permets d'ajouter qu'il appert d'un rapport de "l'assistent-resident" de Koetei et de la côte septentrionale- orientale de Bornéo du 21 mars 1912 qu'à cette époque les piliers en granit, dont il s'agit, se trouvaient en bon état.

En priant Votre Excellence de bien vouloir communiquer ce qui precède à Son Gouvernement, je saisis etc.

Pour le Ministre
Le Secrétaire-Général,

(sd.) HAITSMA.

Annex 118

AGREEMENT BETWEEN THE UNITED KINGDOM AND THE NETHERLANDS RELATING TO THE BOUNDARY BETWEEN THE STATE OF NORTH BORNEO AND THE NETHERLAND POSSESSIONS IN BORNEO SIGNED IN LONDON ON 28 SEPTEMBER 1915

TREATY SERIES. 1915.

No. 12.

AGREEMENT

BETWEEN

THE UNITED KINGDOM AND THE NETHERLANDS

RELATING TO

THE BOUNDARY BETWEEN THE STATE OF NORTH BORNEO AND THE NETHERLAND POSSESSIONS IN BORNEO.

Signed at London, September 28, 1915.

[WITH MAP.]

Presented to both Houses of Parliament by Command of His Majesty. November 1915.

LONDON:
PRINTED UNDER THE AUTHORITY OF HIS MAJESTY'S STATIONERY OFFICE
BY HARRISON AND SONS, 45-47, ST. MARTIN'S LANE, W.C.,
PRINTERS IN ORDINARY TO HIS MAJESTY.

To be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LIMITED, 29, BREAMS BUILDINGS, FETTER LANE, E.C., and
28, ABINGDON STREET, S.W., and 54, ST. MARY STREET, CARDIFF; or
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or
E. PONSONBY, LIMITED, 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America and other Foreign Countries of
T. FISHER UNWIN, LIMITED, LONDON, W.C.

1915.

[Cd. 8105.] *Price 3½d.*

AGREEMENT BETWEEN THE UNITED KINGDOM AND THE NETHERLANDS RELATING TO THE BOUNDARY BETWEEN THE STATE OF NORTH BORNEO AND THE NETHERLAND POSSESSIONS IN BORNEO.

Signed at London, September 28, 1915.

His Britannic Majesty's Government and the Government of Her Majesty the Queen of the Netherlands having agreed in a spirit of mutual goodwill to confirm the joint Report with the accompanying map prepared by their respective Commissioners in accordance with Article 5 of the Convention signed at London on the 20th June, 1891, for the delimitation of the boundary line between the States in the Island of Borneo which are under British protection and the Netherland possessions in that island, and relating to the boundary between the State of North Borneo and the Netherland possessions in the island; the undersigned, duly authorised to that effect, hereby confirm the aforesaid joint Report and map, as signed by their Commissioners at Tawao on the 17th February, 1913.

Daar de Regeering van Hare Majesteit de Koningin der Nederlanden en de Regeering van Zijne Britsche Majesteit met den wensch tot wederkeerige tegemoetkomendheid tot overeenstemming zijn geraakt ter zake van de goedkeuring van het gemeenschappelijk verslag met bijbehoorende kaart, door hare wederzijdsche Commissarissen opgemaakt, in overeenstemming met Artikel 5 van het op den 20sten Juni 1891 te Londen onderteekende verdrag tot aanwijzing van de grenslijn tusschen de Staten op het eiland Borneo, die onder Britsch protecteraat staan en de Nederlandsche bezittingen op dat eiland, en betrekking hebbende op de grenslijn tusschen den Staat Britsch Noord Borneo en de Nederlandsche bezittingen op het eiland, zoo is het dat de ondergeteekenden, daartoe behoorlijk gemachtigd, hunne goedkeuring hechten aan voornoemd gemeenschappelijk verslag, en kaart, gelijk deze zijn onderteekend door genoemde Commissarissen te Tawao op den 17den Februari 1913.

The text of this joint Report, signed in English only, is as follows:—

De tekst van het gemeenschappelijk alleen in de Engelsche taal opgestelde verslag luidt als volgt:

We, the undersigned: J. H. G. Schepers, engineer of the Triangulation Brigade, Netherland India, E. A. Vreede, 2nd Lieutenant of the Netherland Royal Navy, appointed by Netherland India Government Resolution No. 1 of the 9th April, 1912, and No. 38 of the 30th October, 1912, respectively, as leader and Joint Commissioner of the Netherland Commission to delimitate on the spot the frontier between Netherland territory and the State of British North Borneo;

H. W. L. Bunbury, officer of the First Class, British North Borneo Civil Service, G. St. V. Keddell, surveyor, appointed by commission from his Excellency the Governor of British North Borneo, dated the 30th May, 1912, respectively, as Civil Commissioner and Surveyor representing the Government of British North Borneo; have the honour to report as follows:—

1. We have travelled in the neighbourhood of the frontier from the 8th June, 1912, to the 30th January, 1913, during which period the Netherland Commission has made the necessary astronomical observations and topographical surveys, the results of which we declare to be correct and sufficient for the determination of the boundary.

2. Where physical features did not present natural boundaries conformable with the provisions of the Boundary Treaty of the 20th June, 1891, we have erected the following pillars:—

(a.) Two pillars on the opposite banks of the Pentjiangan River, both marked "G.P. 1."

(b.) One pillar on the right bank of the Agisan River, marked "G.P. 3."

(c.) One pillar on the left bank of the Seboeda River, marked "G.P. 2."

All being on the parallel 4° 20′ north latitude.

3. We have determined the boundary between the Netherland territory and the State of British North Borneo, as described in the Boundary Treaty supplemented by the interpretation of Article 3 of the Treaty mutually accepted by the Netherland and British Governments in 1905 as taking the following course:—

(1.) Traversing the island of Sibetik, the frontier line follows the parallel of 4° 10′ north latitude, as already fixed by Article 4 of the Boundary Treaty and marked on the east and west coasts by boundary pillars.

(2.) Starting from the boundary pillar on the west coast of the island of Sibetik, the boundary follows the parallel of 4° 10′ north latitude westward until it reaches the middle of the channel, thence keeping a mid-channel course until it reaches the middle of the mouth of Troesan Tamboe.

(3.) From the mouth of Troesan Tamboe the boundary line is continued up the middle of this Troesan until it is intersected by a similar line running through the middle of Troesan Sikapal; it then follows this line through Troesan Sikapal as far as the point where the latter meets the watershed between the Simengaris and Seroedong Rivers (Sikapal hill), and is connected finally with this watershed by a line taken perpendicular to the centre line of Troesan Sikapal.

(4.) From the point where this watershed (Sikapal hill) meets Troesan Sikapal the boundary line follows the watershed until the latter joins Mount Rembeding.

[*Note.*—There is thus included in the Netherland territory all the country that is drained by the Simengaris River and its tributaries, while all the country that is drained by the Seroedong River and its tributaries is included in the territory of British North Borneo.]

(5.) Leaving the junction point of the Simengaris-Seroedong watershed with Mount Bemboeding, the boundary line follows successively—

(*a.*) Mount Bemboeding in a northerly direction.
(*b.*) Mount Pemantoeugan Bagas and Mount Meliat in a westerly direction.
(*c.*) Mount Keblajoeng in a south-easterly direction.
(*d.*) The watershed between the Karawangan and Apat Rivers in a south-westerly direction.
(*e.*) The Inoeloeh Ketek hill in a northerly direction.
(*f.*) The watershed between the Loeloewejen and Siangan streams in a westerly direction.
(*g.*) The most western spur of this watershed, intersected by a straight line running due east from boundary pillar "G.P. 2."
(*h.*) Along this straight line as far as pillar "G.P. 2."

[*Note.*—There is thus included in the Netherland territory all the country that is drained by any of the following rivers and their tributaries: Seboeloeh, Mesaloei, Tempilan, Apat, and Toelit, together with the Seboeda south of 4° 20′ north latitude and its eastern tributaries debouching south of that parallel; and in the territory of British North Borneo all the country drained by the Seroedong and its tributaries, and by the Seboeda north of 4° 20′ north latitude, and by the tributaries of the Seboeda debouching above that parallel.]

(6.) From the pillar "G.P. 2" the boundary line follows successively—

(*a.*) A straight line running due west as far as the most eastern spur of the watershed between the Linemoejoe and Labau streams, intersected by this straight line.
(*b.*) The above-mentioned spur.
(*c.*) The watershed between the Linemoejoe and Labau streams.
(*d.*) The watershed between the Labau and Balang streams.
(*e.*) The watershed (the Sinogo ridge) between the Agisan and Seboeda Rivers.
(*f.*) The watershed between the Lakoetan and Makalap streams.
(*g.*) The most western spur of the latter watershed, intersected by a straight line running due east from boundary pillar "G.P. 3."
(*h.*) This straight line itself as far as pillar "G.P. 3."

[*Note.*—There is thus included in the Netherland territory all the country drained by the western tributaries of the Seboeda and the eastern tributaries of the Agisan debouching below 4° 20′ north latitude, and in the territory of British North Borneo the country drained by the corresponding tributaries debouching above that parallel.]

(7.) From the pillar "G.P. 3" the boundary line follows successively—

(*a.*) A straight line running due west as far as the most eastern spur of the watershed between the Klawasan and Mesaloei streams intersected by this line.
(*b.*) The above-mentioned spur.

(c.) The watershed between the Klawasan and Metaloei streams.

(d.) The watershed (Peloetan ridge) between the Sesoegon and Agisan streams.

(e.) The main watershed between the Sembakoeng and Seboekoe Rivers in a south-westerly direction.

(f.) The watershed (Mount Boedjoek Bah) between the Sementebel, with its tributaries, and the Semantaloen, with its tributaries.

(g.) The watershed (Mount Boedjoek Bah) between the Sementebel, with its tributaries, and the Selimaa and Semangawat, with their tributaries.

(h.) The watershed (Poegisiai hill) between the Semandapi, with its tributaries, and the Sementebel, with its tributaries, as far as the Toenangan hill.

(i.) The watershed between the Semandapi, with its tributaries, and the eastern tributaries of the Pentjiangan River debouching below 4° 20′ north latitude, as far as the intersection of this watershed with a straight line running due east from the pillar "G.P. 1" on the left bank of the Pentjiangan.

(j.) This straight line itself.

[*Note.*—There is thus included in the Netherland territory all the country drained by the Agisan River south of 4° 20′ north latitude, and by the western tributaries of the Agisan debouching below that parallel, and by the eastern tributaries of the Pentjiangan debouching below the same parallel; and in the territory of British North Borneo all the country drained by the Agisan River north of 4° 20′ north latitude, and by the western tributaries of the Agisan and eastern tributaries of the Pentjiangan River debouching above 4° 20′ north latitude.]

(3.) From the pillar "G.P. 1" on the left bank of the Pentjiangan River the boundary line follows successively—

(a.) A line running due west to the pillar "G.P. 1" on the right bank.

(b.) The first hill-spur south of the Lombai stream as far as its junction with the main watershed between the tributaries of the Pentjiangan debouching north of 4° 20′ north latitude and the tributaries that debouch south of that latitude.

(c.) The last-named watershed as far as the Seselatan hill.

(d.) The watershed, or series of watersheds, dividing the northern tributaries of the Sedalir that debouch above 4° 20′ north latitude from those that debouch below that parallel.

(e.) The most western spur of this watershed, or series of watersheds, intersected by parallel 4° 20′ north latitude.

(f.) The parallel 4° 20′ north latitude, crossing the Sedalir River until it meets the most eastern spur of the watershed, or series of watersheds, between the southern tributaries of the Sedalir that debouch above parallel 4° 20′ north latitude and those that debouch below that parallel, in conformity with Article 2 of the Treaty.

(*g*.) The last-named watershed, or series of watersheds (and, if necessary, the watershed between the Sedalir and the Sesajap Rivers), until they meet the main watershed described in Article 3 of the Treaty.

[*Note.*—There is thus included in the Netherland territory the country that is drained by the Pentjiangan below 4° 20′ north latitude, by the Sedalir below that parallel, by the tributaries of both of these rivers debouching below 4° 20′ north latitude, and by the Sesajap River; and in the territory of British North Borneo any country that is drained by the Pentjiangan north of 4° 20′ north latitude, by the Sedalir north of that parallel, and by the tributaries of both of these rivers debouching north of 4° 20′ north latitude.]

To the above we have all agreed and appended our signatures at Tawao, British North Borneo, this 17th day of February, 1913.

J. H. G. SCHEPERS.
E. A. VREEDE.
H. W. L. BUNBURY.
G. ST. V. KEDDELL.

In witness whereof the undersigned have signed the present Agreement and have affixed thereto their seals.	Ten blijke waarvan de ondergeteekenden deze overeenkomst hebben onderteekend en van hunne zegels voorzien.
Done at London, the 28th day of September, 1915.	Gedaan te Londen, den 28 September 1915.

(L.S.) E. GREY.
(L.S.) R. DE MAREES VAN SWINDEREN.

CASE CONCERNING SOVEREIGNTY OVER PULAU LIGITAN AND PULAU SIPADAN
(INDONESIA/MALAYSIA)

MEMORIAL

SUBMITTED BY

THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

Volume 4
(Annexes 119 to 183)

2 NOVEMBER 1999

Annex 119

TURTLE PRESERVATION ORDINANCE OF 1 JUNE 1917

1. This Ordinance may be cited as the Turtle Preservation Ordinance, 1917. Title.

2. (i) No person shall search for, capture or destroy turtles or search for or collect turtle eggs within the State or the territorial waters thereof unless he shall have first obtained a licence in such behalf in manner prescribed hereunder. Licence required.

(ii) Any person having in his possession any turtle shell shall be presumed, until the contrary is proved, to have acquired such possession contrary to the provisions of this Ordinance. [illegible]

(iii) No person shall purchase any turtles or turtle eggs unless after making full enquiry he shall be satisfied that the vendor thereof is duly licensed in such behalf and any person so purchasing from a vendor found not to be so licensed shall be deemed to have so purchased without first making such enquiry and shall be liable on conviction before any Magistrate to a fine not exceeding one hundred dollars or to imprisonment for a period not exceeding three months or to both. [illegible]

(iv) Licences to search for, capture or destroy turtles and licences to search for or collect turtle eggs shall be issued by the Principal Resident Customs Officer at any port in the State or, where no such officer exists, by the District Officer in the district [illegible]. Such licences shall remain in force until the end of the current year for which they are issued and shall be subject to any such conditions as the issuing officer may, with the previous approval in writing of the Governor, endorse thereon. [illegible]

(v) Fees for such licences shall be levied in accordance with Schedule B. Fee for licences.

3. The areas specified by the Governor from time to time in Schedule C shall be deemed to be native reserves for the collection of turtle eggs, and nothing contained in this Ordinance shall be deemed to affect the collection of turtle eggs by natives therein, and no licence or concession granted hereunder shall be deemed to include such areas, provided that natives collecting turtle eggs in such areas shall be subject to any rules declared hereunder for the protection of the industry. Native reserves.

4. The holder of any licence issued under this Ordinance shall on demand by any duly authorised officer furnish a true account of the number of turtles captured or destroyed, or of the turtle eggs collected by him under such licence and of the person or persons employed by him in such connection. [illegible]

Ord. 5 *of* 1917
G. N. 120 *of* 1919

Ordinance 5 of 1917
TURTLE PRESERVATION

Date of commencement.

1st June, 1917.

Title.

1. This Ordinance may be cited as "The Turtle Preservation Ordinance, 1917."

Licence required.

2. (i) No person shall search for, capture or destroy turtles or search for or collect turtle eggs within the State or the territorial waters thereof unless he shall have obtained a licence in such behalf in manner prescribed hereunder.

Presumption against person in possession of turtle shell.

(ii) Any person having in his possession any turtle shell shall be presumed, until he shall have proved the contrary, to have acquired such possession contrary to the provisions of this Ordinance.

Full enquiry necessary before purchasing turtle shell.

(iii) No person shall purchase any turtle shell unless after making full enquiry he shall have satisfied himself that the vendor thereof is duly licensed in such behalf and any person so purchasing from a vendor found not to be so duly licensed shall be deemed to have so purchased without first having made enquiry and shall be liable on conviction before any Magistrate to a fine not exceeding one hundred dollars or to imprisonment for a period not exceeding three months or to both.

By whom issued.
G. N. 120/19.

(iv) Licences to search for, capture or destroy turtles and licences to search for or collect turtle eggs shall be issued by the Principal European Customs Officer at any port in the State or, where no such officer exists, by the District Officer in the forms prescribed in Schedule A, and such licences shall remain in force until the end of the current year for which they are issued and shall be subject to any such conditions as the issuing officer may, with the previous approval in writing of the Governor, endorse thereon.

Fee for licence.

(v) Fees for such licences shall be levied in accordance with Schedule B.

Native reserves.

3. The areas specified by the Governor from time to time in Schedule C shall be deemed to be native reserves for the collection of turtle eggs, and nothing contained in this Ordinance shall be deemed to affect the collection of turtle eggs by natives therein, and no licence or concession granted hereunder shall be deemed to include such areas: provided that natives collecting turtle eggs in such areas shall be subject to any rules declared hereunder for the protection of the industry.

Account of turtle to be rendered.

4. The holder of any licence issued under this Ordinance shall on demand by any duly authorised officer furnish a true account of the number of turtles captured or destroyed, or of the turtle eggs collected by him under such licence and of the person or boats employed by him in such pursuit.

5. The Governor may constitute farms, for such length of time and within such limits and upon such terms and conditions as he may determine in each case, of the exclusive right to collect turtle eggs in the State or in any district thereof. Turtle farms.

Penalties.

6. Any person

(a) searching for, capturing or destroying turtles or searching for, taking or collecting turtle eggs without a licence duly obtained in that behalf;

(b) giving false information as to the number of turtles captured or destroyed by him or of the persons or boats employed by him:

(c) acting in contravention of any other provision of this Ordinance or rule thereunder for which no penalty is prescribed

shall commit an offence and shall be liable on conviction before any Magistrate to a fine not exceeding one hundred dollars or to imprisonment for a period not exceeding six months or to both and his licence, if any, may be cancelled upon such conviction.

7. The Governor may by notification in the Gazette vary the fees leviable under this Ordinance and make rules for more effectually carrying out the purposes of this Ordinance. Power to make rules.

SCHEDULE A

FORM I

TURTLE PRESERVATION ORDINANCE, 1917, SECTION 2

LICENCE TO TAKE TURTLES

G. N. [illegible]

of

is permitted to search for, capture and destroy turtles within the following limits and subject to the following conditions:—

This licence expires on 19

Date of issue 19

Fee paid $

Principal European Customs Officer or District Officer.

FORM II

TURTLE PRESERVATION ORDINANCE, 1917, SECTION 2

LICENCE TO TAKE TURTLE EGGS

of

is permitted to search for and collect turtle eggs within the following limits:—

and subject to the following conditions:

This licence expires on 19

Date of issue 19

Fee paid $

Principal European Customs Officer or District Officer.

SCHEDULE B

SCALE OF FEES

G. N. [illegible]

For licence to capture or kill turtles, section 2 .. $ 1.00

For licence to take turtle eggs, section 2 .. .. $1.00

SCHEDULE C

NATIVE RESERVES (Section 3)

All that area from [illegible] Point in Kimanis Bay to Jesselton, including Pulau Tiga and Gaya Island.

Sipadan Island.

Kudat District, including the islands therein.

Annex 120

EXTRACT FROM A LETTER FROM THE COMMANDING OFFICER OF HMS *LYNX* DATED 4 JANUARY 1922 (DUTCH VERSION AND ENGLISH TRANSLATION)

Translation

Annex to a letter from the Commander Naval Forces Netherlands Indies to the Governor-General of the Netherlands Indies dated 4 January 1922.

Copy

EXTRACT FROM A LETTER FROM THE COMMANDING OFFICER OF HNLMS LYNX

While in Macassar we received a copy of official telegram no.26 Sd.Balikpapan, from the head of the Local Administration on 17 November 1921, reading : "Please urgently advise destroyer Lynx upon arrival that GSS Kwartel with Resident of Bandjermasin and Assistant Resident of Samarinda on board is in vicinity of Tarakan; no further reports of pirates; Commander can communicate on wireless through Balikpapan with Resident." On receipt of this telegram I deviated from my instructions and decided not to put in at Balikpapan, but to sail directly to Tarakan. The direct route to Tarakan shortened the distance by approximately 140 nautical miles, thereby saving one oil bunkering and keeping coal consumption at the same level; in addition, as mentioned previously, we had 15 tons of coal on deck.

On 20 November we did not manage to communicate by wireless radio with Balikpapan although the minimum distance was about 150 nautical miles and the minimum reach of the Balikpapan station was also 150 miles. On 21 November another attempt was made to communicate with the wireless stations of Balikpapan, Tarakan, Orion and HNLMS Koetai . We heard on the AM that Balikpapan and Tarakan were transmitting to each other on long wave frequency, after which Tarakan listened for HNLMS Lynx, and a message meant for the Resident of Bandjermasin was transmitted, but we were unable to establish for certain whether this message was received. No connection could be obtained with GSS Orion and HNLMS Koetai.

On 22 November at 0800 hrs. local time the seaplane was lowered on to the water near the Tarakan lightship and then made the short flight to Tarakan. HNLMS Lynx arrived in the roadstead of Tarakan at 0830 hrs. and berthed with 70 tons of coal on board. The plane had a berth on the river to the east of Lingkas and was made fast to the buoy. The officials of BPM (Messrs Hoekstra and Chaillet, an ex-naval officer) and the harbour master (Mr Boeve) came on board after we docked and offered us their services and cooperation, which we gladly accepted. The harbour master showed me a radio cable sent via Sembakung by the Resident of Bandjermasin in which it was stated that he would probably arrive in the roadstead of Tarakan on board the GSS Kwartel on Tuesday evening, 22 November, and wished to meet me. I therefore decided to await the arrival of the GSS Kwartel. Meanwhile we took on fuel oil and 27 tons of Cardiff coal. A radio cable from Mr. Chaillet from Sembakung to the harbour master dated 18 November 1921 was shown to me, in which he stated: "After enquiries it seems the Badjaus have 18 praos, of which 10 are an advance force, all under command of the Raja called Datu Inderpatih, originally from Palu Banara (Sulu Islands). Inderpatih has a brother called Datu Djuhal, who has lived for years at Lingkas village (Tarakan). Inderpatih reported on the 16th that he was looking for his brother, and that he had information that Djuhal was living in Lingkas. He has expressed the wish to go to Tarakan. I suspect that Bunju Island has been or is being visited by Badjaus. Guide to be obtained from Sembakung for identification."

I asked Mr Chaillet for the services of this guide and His Honour stated that he would gladly part with him to me. The guide speaks the language of the Sulu people. I hope that the guide will come on board this evening or tonight.

GSS Kwartel dropped anchor in the roadstead of Tarakan on 22 November at 1215 hrs., and I immediately went on board to meet the Resident of Bandjermasin and the Assistant

Resident of Samarinda. His Honour had just returned from a voyage on the Kwartel through the Sesajap rivers and could not give more recent information regarding the pirates. Mr. Chaillet's message as described above was also conveyed to His Honour. After consulting the Resident, I decided for the following three days to cruise the estuary of the Sesajap River and Muara Sebawang, Muara Serban, Muara Salidan and the northern and southern estuaries of the Simangaris River. The plane took off this afternoon at 1430 hrs. and made a reconnaissance flight over the Strait of Baligan, over the eastern corner of Tibi, over Muara Sabawang to and through the Muara Serban, over the western corner of Mandul, along the Sembakung River, where BPM has various settlements and the tanker (houseboat) Myrashell is moored, across the Ahus River, Itai River, further to the west of East Nunukan, to south of the British border, across the northern estuary of the River Simangaris, to the south of Sebitik and directly back to Tarakan. The observer reported as follows:

"I made the journey described above, and flew low over the rivers and higher over land, but nowhere did I see any proas close to each other. I also landed at the Trusan Golagan and signalled to a local proa whose crew (2 men) were at first much afraid, but came closer when the engine had stopped completely. We asked in Malay whether they had seen any pirates, to which one of them replied that some time ago there had been pirates in the vicinity, but that they had vanished in the direction of Sibutu. We then landed near the Myrashell houseboat and were told that no suspicious proas had been seen there since 10 November. We also stopped the Malsie launch on the Sembakung River, and they too told us that no further suspicious proas had been sighted."

When the Kwartel dropped anchor in the roadstead of Tarakan the Resident of Bandjermasin received the message which I had transmitted the previous day via Tarakan radio station and which had evidently got through after all. His Honour intended to depart on board the Kwartel this afternoon for an 8-hour trip to Balikpapan, where he would stay for 2 days before moving on to Pulu Laut and Bandjermasin. I agreed that after my journey along the Sesajapra Rivers I would report the particulars of my journey via Balikpapan or Tarakan radio. I also learned from the Assistant Resident of Samarinda that many Sulu people were expected to settle in this area because a law on compulsory education for children, including young girls, had been introduced in the Philippines and the Sulu archipelago and had not been well received by the local people. The so-called Sulu pirates were not equipped with firearms, but carried short, unsheathed weapons, and came to the neighbouring islands to beg for rice and tobacco, and if this were not forthcoming would steal or use force to obtain them.

The Sulu people are very afraid of Europeans and run away when they see them coming. So I suspect that if Sulu pirates are still in the vicinity the sight of a modern aircraft and the destroyer will have a great influence on their morale and discourage them from undertaking any robbery trips or the like.

Today we loaded 27 tons of Cardiff and 10.5 tons of fuel oil from a big proa, so that the holds were now full. After Mr Chaillet came on board we weighed anchor at 1130 hrs. and steamed away. Mr. Chaillet was to pilot the boat to the drilling site on the northern coast of Sembakung. To sail between the islands without thorough local knowledge would have been highly inadvisable, and I would never have done it if I had not been sure of Mr. Chaillet's valuable navigational knowledge. And so the Lynx steamed along the coast of Tarakan, through the Strait of Baligan between Bangkudulis and Tibi, to the north of Tibi and then between Tupus and Baru, between Tembagang and Baru and around the north west through the Muara Ledung to arrive in the Terusan Galagan channel on 23 November at 1815 hrs. where we anchored to await high tide in the Sembakung River and did not see any proas (last quarter of the moon).

At 0100 hrs. we rendezvoused with the BPM motorboat and took on board the above-mentioned guide called Daeng Djilalu, who speaks all the languages of the region, including Sulu. At 0830 hrs. we weighed anchor again and steamed around the eastern shore of the BPM and the SS at the Sembakung 1 drilling site. The BPM Myrashell motor tanker and house boat (4,000 tons), which had been hired by the Anglo Sa[illegible]y and used to house the personnel of the Sembakung drilling site, was anchored th[illegible]aller ship called the Cirosshell was moored on the southern shore of the Sembakung River and was also used as a houseboat by the drilling company. At 1130 hrs. the Lynx came alongside the Myrshell and I thanked Mr. Chaillet for his excellent services. The plane, which had taken off at 0800 hrs. from Tarakan just before the Lynx arrived at the Myrshell, was hoisted on board, and we proceeded with the journey. It took off again at about 0800 hrs. to reconnoitre to the west of Tarakan, around Bunju, through the Strait of Serban, Linuang Kajan, Sembakung from M' Bukat to Bende Reef, and from M' Salindau to the Myrshell houseboat, where it landed at 2335 hrs. At M' Sebawang and M' Serban we stopped 2 proas, but they could not give us any information about the pirates. At Bende Reef we fired some revolver shots to force a suspicious looking proa to lower its sail, but it proved only to be a simple fisherman who could not tell us anything about the pirates. In the upper reaches of the Sembakung River the local inhabitants fled in fear to their homes when the plane came near a village.

At 1200 hrs. the Lynx set sail again for the east coast through the Muara Salindau. The previous night Mr Chaillet had received a report from Sembakung (Myrshell) that on Sunday, 20 November, a Chinese proa from Tawao had reported sighting 3 proas filled with pirates near a small island at the mouth of the Sembakung river. When the Lynx arrived there was no sign of them. The islands consist of *bako-bako*, and are uninhabitable. Muara Salindau is very difficult to navigate, and it is possible only at high tide and if soundings are taken. The depth posts are very poor there. After passing through the Strait of Salindau we set course for the north and entered the southern estuary of the Simangaris River; no proas were seen. We anchored to the south of East Nunukan at 1845 hrs. It should be noted that on board the Myrshell were one native sergeant and 7 military policemen, who patrolled the Sembakung River in the vicinity of the Myrshell by proa. The soldiers were due to return to Tarakan in the next few days. Nothing of importance was seen during the night of 23 to 24 November.

We did not have contact with HNLMS Koetei or with GSS Orion. It was not known at Tarakan whether the Orion was in the vicinity, and I too started to have serious doubts about it. On 24 November at 0730 hrs. we launched the plane on the river for a reconnaissance flight.

The Lynx weighed anchor at 0800 hrs. and steamed eastwards out of the southern estuary of the Simangaris River and thereafter westwards into the northern estuary of the Simangaris River up to the border of the English territory. The map showed 3 kampongs on the eastern coast of East Nunukan and the south-west coast of Sebitik. In order to obtain information the Lynx steamed in that direction, but no kampongs could be found although some seros (fish traps) were sighted. A sloop with an officer was dispatched there, but he came back empty-handed as he had not met a living soul. At 1000 hrs. we stopped a Chinese trading proa from Tawao to ask for information about the pirates, but none was forthcoming. At 1130 hrs. the plane returned from its flight in the direction of the Sulu Islands and descended near the Lynx at the end of the northern estuary of the Simangaris River. As had been arranged beforehand, the plane dropped off a report. This stated as follows: Pirates, 40 proas, 130 men armed with spears on the island of Si Amil (English territory).

Outside the 3-mile limit talked with the head, Raja Panglima Djuwang of Sulu, who called himself a seafaring man, without steady employment. According to him they had never been on Dutch territory. They knew the exact distance to Tarakan, which is 2 nights and 1 day sailing, although they said they had never been there. As the appearance of the raja agreed with the description of Raja Indrapatiah, he was probably that person. They were quite unafraid of the plane, and were by no means astonished by it.

I ordered the plane to return to Tarakan and myself set sail in the same direction to take on oil and water. I will have the plane make another reconnaissance flight tomorrow, 25 November, in the direction of the Sulu Islands to locate the pirate fleet of Si Amil. It should be noted that Raja Panglima Djuwang showed a white flag upon seeing the plane, and that the aircraft replied by firing a white flare. So far the plane had given excellent service and has greatly facilitated reconnaissance and contacts. It is a pity that no fuel is available in Tarakan for use by the plane; we have to rely solely on our own reserves, and have only fuel for 16 hours' flying. I again failed to establish radio contact with HNLMS Koetei. We anchored in the roads of Tarakan this evening at 1900 hrs. On 25 November sent a brief report to the Resident of Bandjermasin and a wireless telegram to the Resident of Manado to warn them about the 40 proas on Si Amil and asking if the Koetei was still patrolling the Sangi Islands.

On 25 November at 0600 hrs. the plane was prepared for the proposed reconnaissance trip to the Sulu Islands, but was unable to take off and was thus hoisted on board again. After it had been fitted with new gaskets and spark plugs it was relaunched, but as it still refused to start it was lifted on board again and subjected to a thorough inspection. Another attempt was made later, but it too was unsuccessful and the plane was hoisted back on board. HNLMS Lynx then weighed anchor at 1800 hrs. and steamed away. After passing the lightship the lights were doused and we set sail for the island of Sipadan. We did not meet any proas during the night of 25 to 26 November and arrived at Sipadan at 0600 hrs. Sipadan lies approximately 20 miles from Si Amil. An armed sloop was sent ashore for information, but returned empty-handed. Although there were some turtle fishermen on the island, they had not seen a pirate fleet and could not provide any information. We then set course for the southern estuary of the Simengaris River. The aircraft was launched after a thorough check-up, when the old spark plugs were cleaned and refitted as the new ones had become completely unserviceable. The plane was launched at 1000 hrs. and took off easily.

The plane flew via Sipadan to the 3-mile limit off Si Amil. The plane's observer reported upon his return that the fleet of Raja Panglima Djuwang was still at Si Amil and that most of the vessels were fishing. HNLMS Lynx anchored n the roads of Tarakan at 0900 hrs. having seen no pirate boats that day. On Sunday, 27 November, at 1830 hrs. I received your encoded wireless telegram sent on 25 November at 0940 hrs. which reads after decoding:
"With reference to your wireless telegram, English authorities will be warned without delay. Keep fleet under surveillance. As soon as they leave English territorial waters, seize them and take the Raja's prau to Tarakan for investigation of the incident responsible for Lynx's presence. Be wary in this respect of all eventualities 36603 (not discovered in code) 01029 (is silted)".

On Monday 28 November at 0730 hrs. local time HNLMS Lynx left the roads of Tarakan to sail to Si Amil to try to catch Raja Panglima Djuwang of Sulu outside British territorial waters. When we arrived at the southernmost tip of Tarakan we sighted some 15 proas near the eastern coast of Tarakan. When alerted to this, the guide identified it as a pirate fleet. An armed sloop under an officer and the guide was dispatched to intercept them. At the same time the ship was taken as close as possible to the reefs and the machine guns were made ready to fire. It was found that there were 15 proas led by Raja Indarpatiah of Sulu of Benaren (Sulu Islands), who also called himself Datu Tata. No firearms were found in the proas, only the short knives and short spears used for fishing. This was the fleet which had visited Sembakung on 10 November in search of the raja's brother. The raja and one of his followers were brought to the ship which then set sail for Tarakan, the fleet being ordered to follow. Upon arrival at the roadstead of Tarakan the proas were fastened to the ship. Inspector of Berouw came on board the Lynx and interrogated the raja and some of his followers. A copy of the interrogation report has been made and is enclosed. It transpired that the stated object of searching for his brother was a fabrication, as the alleged brother, namely Datu Djuhal of Lingkas, would have nothing to do with Indarpatiah, and categorically denied any family relationship. At 1630 hrs. I had the proas towed about 5 miles out to sea, where they were released after they had been given a serious warning not to show themselves in the territorial waters of the Dutch East Indies again. If they did so, they would be fired upon and put in jail. We then returned to the roadstead and anchored. The plane made another flight to Si Amil that afternoon, where it discovered the pirate fleet of 40 proas under the leadership of Raja Pangima Djumang. The plane landed outside the 3-mile limit, whereupon the raja immediately approached it in his pros. The observer talked to the raja, who said that he had no plans to leave Si Amil, where they had long been settled and lived by farming and fishing. The observer asked whether the raja would like to make a trip in his plane, but the latter declined as he was old and had no hair. His followers did, however, wish to fly on condition that the 'tuan' (the observer) would come too. However, this did not happen and the plane therefore returned after this conversation. The raja was also asked whether he knew Inderpatiah, which was not the case. I learned from the Inspector for Berouw that the island of Maratua was exclusively inhabited by Sulu people and that they had gradually built up many family relationships on the eastern coast of Borneo. On 28 November I received a wireless telegram from the Resident of Tawao informing me that he had no news about the pirates. I signalled him back that the 40-strong pros fleet was still on Si Amil, and that I had brought 15 of the proas to Tarakan that day. On 29 November I sent a wireless telegram to the Assistant Resident of Samarinda about the incident of the previous day and asked what steps were now considered necessary. I also sent a message to the Resident of Manado about the incident of 28 November.

On 29 November the Lynx remained in the roads of Tarakan for minor engine repairs and took on oil for the plane, which proved to be usable. The plane took off at 1030 hrs. to locate the 15 proas. The entire fleet was seen outside the 3-mile limit and sailing in a north-easterly direction. The plane landed very close to the proas to demonstrate how easy it was to make contact and then took off again. I am convinced that the pirate fleet will stay away from these regions, at least for the present.

On 30 November, at 0800 hrs., we weighed anchor and steamed out of Tarakan, past the lightship, and thence in a northerly direction to the northern estuary of the River Simangaris between East Nunukan and Sibetik. Then returned and anchored 3 nautical miles south of the Macassar bank at 1800 hrs. At no time that day did we see any suspicious proas. At 0500 hrs. we stopped a Chinese pros, which reported that it had come from Tawao and had not seen any pirate fleet. The plane could not be launched because of the conditions at sea. Weighed anchor at 2330 hrs. and steamed to Sipadan where no proas were seen. Sailed from there on 1 December to the 3-mile limit on the east side of Si Amil, where we found 40 proas fishing on the reef. It is gradually becoming clear that they have definitely formed a settlement on Si Amil. Steamed away from Si Amil again in a southerly direction and sailed from Ligitan to South Sibetik.

We launched the plane on 1 December at 0800 hrs., after which it made a tour to Ligitan heading to south Sibetik and thence south again to the island of Ahus, where the 15 pirate proas had been sighted about 5 miles away and making in a north-easterly direction. The plane landed the area and signalled to a Chinese pros to inquire whether it had been troubled by the pirate fleet, which it denied. It therefore seemed safe to conclude that the 40 proas were making for home. The plane then flew on from Ahus to the east of Mandul and from there directly to the island of Sipadan and the nearby Si Amil, where the fleet of 40 proas were still fishing. Received a wireless telegram at 1100 hrs. through Tarakan from the Resident of Bandjermasin as follows: "Regarding your signal yesterday. If pirates outside our territory and no threat to settlements expected, no further measures from Lynx needed."

Lynx anchored at 0830 hrs. to the south of Nunukan.

On 2 December at 0700 hrs. Lynx weighed anchor and steamed around the island to Tarakan. At 0800 hrs. the plane was launched and made a tour around East Nunukan and also approximately another 10 miles to the east, after which it returned to the east coast of Sebitik island by passing Nunukan, Ahus and the north coast of Bunju. At 1100 hrs. it dropped a capsule containing a message to Lynx, in which it reported that half of the pirate fleet was already in British waters and was sailing north-east, and that the other half were near the east coast of Sibetik, a little inside Dutch territorial waters. By firing some revolver shots and flares, the plane had warned them to move away from the coast. The plane remained in the vicinity until the praos were out of Dutch territorial waters and had left in an easterly direction. It was now certain that the pirates were no longer in Dutch waters and would land on British territory in search of food and water.

This morning we received the following wireless telegram from the Resident of Tawao: "My launch reports all correct at Si Amil. Will you come Tawao and I will visit Si Amil with you - Resident Tawao." I signalled back: "Lynx is going now to Tarakan for coaling. When seaplane comes back, I will send it to Tawao and the Commander can speak with you over the case at Si Amil."

The Lynx arrived today in Tarakan at 1430 hrs. and berthed to take on oil. Took the plane on board to inspect the engine. Can no longer send it to Tawao today. Reported this to the Resident of Tawao. Upon arrival in Tarakan I signalled on 2 December to the Resident of Bandjermasin: "Pirate fleet from Sembakung is now in British waters east of Tawao. HNLMS Koetei expected tomorrow. Advise Koetei and Lynx now no longer needed here". The same evening I received your encoded telegram of 2 December 2 :"When Koetei arrives transfer duties. Lynx and plane to return to Priok. 3-masted schooner Lucie Gerardine etc."

HNLMS Koetei arrived in Tarakan on Sunday 4 December at 0900 hrs. I transferred my duties to the commander of that vessel and signalled confirmation to the Resident of Bandjermasin. HNLMS Lynx departed at 1130 hrs. the same day from Tarakan at a speed of 9 mph to Balikpapan to take on oil and coal.

On 5 December at 0620 hrs. I received your encoded telegram of 3 December via Tarakan, stating that the schooner had arrived and that Lynx should proceed directly to Priok. On 6 December we took on fuel oil in Balikpapan as no coal was available. Steamed to Stagen on 7 December and took on coal (75 tons of Pulu Laut) there on 8 December. Left at 1000 hrs. and arrived at Tanjung Priok on 10 December at 1000 hrs.

Lieutenant–Commander, commanding officer
(sgd)

Issued as a true copy :
The Secretary to the Department of the Navy in the Netherlands Indies
(sgd) K. Zeeven.

Issued as a true copy:
The Government Secretary
(sgd) C.Versluis.

schrift.

Extract uit den brief van C.O. Hr. Ms. Lynx.

Te Makassar zynde, werd van het Hoofd van het Plaatselijk Bestuur een afschrift van een dienstteleqram No. 26 Bd. Balikpapan, 17 November 1921 ontvangen, luidende: „wil Commandant torpedojager Lynx by aankomst dringend mededeelen G.S.S. Kwartel met Hs. Bandjermasin en af. Samarinda aan boord ontreken Tarakan; nadere berichten zeeroovers ontbreken; Commandant kan via Balikpapan zich draadloos in verbinding stellen met Hs." Naar aanleiding van dit telegram werd afgeweken van myne instructie en besloot ik Balikpapan niet aan te doen en rechtstreeks naar Tarakan te stoomen. De rechtstreeksche route naar Tarakan gaf een bekorting van ± 140 zeemijlen, zoodat 1 keer olieladen bezuinigd werd en het kolenverbruik hetzelfde bleef; bovendien werd zooals reeds vermeld 15 ton kolen aan dek geladen.

Den 20sten November werd geen D.T. communicatie verkregen met Balikpapan niettegenstaande de minimum afstand ± 150' is geweest en de minimum draagwydte van het D.T. station Balikpapan eveneens 150' bedraagt. Den 21sten November werd wederom op de openingstyden communicatie gezocht met de D.T. stations van Balikpapan, Tarakan, Orion en Hms. „Koetei". Gehoord werd op de K.H. dat Balikpapan en Tarakan met elkaar seinden op lange golflengte, daarna luisterde Tarakan uit naar Hms. „Lynx" en werd een sein bestemd voor den Resident van Bandjermasin overgeseind; of dit sein werkelijk overgenomen is, kan niet met zekerheid gezegd worden. Met G.S.S. Orion en Koetei werd geen verbinding verkregen. Den 22sten November 6 uur v.m. werd by het lichtschip van Tarakan het vliegtuig te water gelaten en deed dit daarna een korte vliegtocht naar Tarakan en omstreken.

Dien

Dien morgen te 8 u 30 arriveerde Ms. „Lynx" ter reede Tarakan met 70 ton kolen aan boord; gemeerd werd aan de steiger. Het vliegtuig heeft een ligplaats op de Kali beoosten Lingkas en wordt vastgemaakt aan de boei. Autoriteiten van de B.P.M. (de heeren Hookman en Chaillet, oud zeeofficier) en de havenmeester (de heer Doeve) kwamen na het meeren aan boord en boden hunne diensten en medewerking aan, welke gaarne aanvaard werden. De havenmeester gaf mij inzage van een radiotelegram via Sembakoeng van de Resident van Bandjermasin waarin vermeld stond, dat Zyne HoogEdelGestrenge zeer waarschynlijk Dinsdagavond 22 November met het G.S.S. „Kwartel" ter reede Tarakan zou komen en een onderhoud met mij wenschte. Ik besloot dus de aankomst van de „Kwartel" alhier af te wachten. Inmiddels werd stookolie en 27 ton Cardiff kolen geladen aan de steiger. Een radiotelegram van den heer Chaillet uit Sebakoeng aan den havenmeester dd. 18 November 1921, mij ter inzage gegeven, luidde: „Mij by ondervraging gebleken, badjaus destyds 18 prauwen, waarvan 10 voorhoede, alle onder leiding radja, genaamd Datoe Inderpatlah, afkomstig van Poeloe Banara (Soeloe eilanden). Inderpatlah heeft een broer, genaamd Datoe Djoehal, wonende in kampong Lingkas (Tarakan), welke sedert jaren aldaar. Inderpatlah gaf 10 dezer voor zyn broer te zoeken en heeft informatie gekregen Djoehal te Lingkas wonende. Geuit wenschen naar Tarakan te zullen gaan. Ik vermoed poeloe Boenjoe is of wordt bezocht door Badjaus. Gids van Sembakoeng te krygen voor identificatie." Aan den heer Chaillet vroeg ik de beschikking over bovengenoemde gids en wilde Zyn Edele mij dezen gaarne afstaan; de gids kent de taal der Soeloeneezen. Ik hoop dezen gids van avond of van nacht aan boord te krygen.

22 November 12 u 18 A.M. kwam het G.S.S. „Kwartel" ter

reede

reede Tarakan ten anker en begaf ik mij direct aan boord, teneinde mijn opwachting te maken by den Resident van Bandjermasin en den Assistent-Resident van Samarinda. Zyn HoogEdelGestrenge kwam juist terug van een reis met de „Kwartel" door de Sesajap-rivieren en kon geen nieuwe berichten mededeelen omtrent zeeroovers. Het bericht van den heer Chaillet als bovenvermeld was aan Zyn HoogEdelGestrenge evenzeer medegedeeld. In overleg met den Resident werd besloten de eerstvolgende drie dagen te besteden tot het bekruisen van de Sesajapmonding en Moeara Sabawang, Moeara Serban, Moeara Salindan en de N. en Z. mondingen van S. Simengaris. Het vliegtuig steeg hedenmiddag 2 u 30 weer op en maakte een verkenningstocht door Straat Batigam, over Oosthoek Tibi over Moeara Sabawang naar en door Moeara Serban, over Westhoek Mandool, langs de Sembakoeng rivier, alwaar de verschillende nederzettingen van de B.P.M. zich bevinden en het tankschip Myrcholl (woonschip) ligt, door de Aboen rivier, Itai rivier, verder bewesten Oost Noenoekan tot benoorden de Engelsche grens, door de Noordmonding S. Simengaris, benoorden Sebatik en rechtstreeks terug naar Tarakan. Het vliegtuig kwam ten 6 u 15, plaatselijken tyd Tarakan, behouden te Tarakan terug. De waarnemer deelde het volgende mede:

„Ik heb de tocht als bovenbeschreven gedaan, heb boven de rivieren laag gevlogen, boven land hooger, heb nergens eenige prauwen bij elkaar gezien, ben in de Troeman Selagan neergestreken, heb daar een prauw aangepraaid, welker bemanning (2 man) eerst zeer vreesachtig was maar toen de motor geheel stopte naderby kwam. Gevraagd werd in het Maleisch of hy prauwen met zeeroovers had gezien, waarop hy antwoordde, dat eenigen tyd geleden wel prauwen met badjaus in den omtrek waren geweest, maar dat deze in de richting van Siboeko toen, waren verdwenen. Verder werd

[illegible]

voorgestreken by het wachtschip Nyrabell en werd daar medegedeeld dat sedert 10 November geen verdachte prauwen meer waren gezien. Ook werd op de Sembakoeng rivier de Maley (launch) aangehouden en ook deze deelde mede dat er geen verdachte prauwen meer waren gezien. De Resident van Bandjermasin ontving by het ten anker komen van „Kwartel" ter reede Tarakan het gisteren door mij geseinde bericht via D.T. Tarakan en was dit sein dus blijkbaar toch overgekomen. Zyn HoogEdelGestrenge zou hedenmiddag 6 uur met de Kwartel onder stoom gaan naar Balikpapan en daar 2 dagen vertoeven en verder naar Poeloe Laoet en Bandjermasin. Ik sprak af, dat ik na mijn tocht door de Sesajaprivieren en op 23 November via radio Balikpapan of Tarakan mededeeling zou doen van byzonderheden. Van den As. Resident van Samarinda vernam ik nog, dat verwacht werd dat vele Soeloeneezen zich in deze omstreken zouden vestigen, omdat in de Philippynen en Soeloe-Archipel de leerplichtwet is ingesteld, ook voor jonge meisjes, en dat de bevolking met dezen maatregel niets ingenomen is. De z.g. Soeloeneesche roovers zyn niet van vuurwapens voorzien, maar wel van korte blanke wapens zy komen op de omliggende eilanden ryst en tabak schooieren, wordt hen dit niet goedschiks gegeven, dan maken zy gebruik van geweld en stelen het. De Soeloeneezen zyn zeer bang voor Europeanen en gaan daar spoedig voor op den loop. Ik vermoed dus, dat indien thans nog Soeloeneesche roovers hier in de omstreek zyn, het zien vooral van een modern vliegtuig en de torpedobootjager een zeer groote moreele invloed zal hebben en hen er van zal weerhouden om strooptochten als anderszins te ondernemen.

Heden werden 27 ton Cardiff uit een groote kolenprauw en 10.5 ton stookolie geladen, zoodat thans de ruimen geheel vol zijn, Op de E.W. 11 u 30 werd, nadat de heer Chaillet aan boord was gekomen, het anker gelicht en onder stoom gegaan.

De

De heer Chaillet zoude het schip binnen door loodsen tot aan de boorondernemingen aan de Noordkant van Sembakoeng. Het varen tusschen de eilanden door zonder zeer goede plaatselijke kennis is sterk af te raden en zou ik er niet toe overgegaan zyn, indien ik niet overtuigd geweest was, dat ik aan den heer Chaillet een uitmuntende loods had. Alzoo stoomde de „Lynx" langs N.W. Kust Tarakan, Straat Batigan tusschen Boengoe-Boelis en Tibi, benoorden Tibi langs, daarna tusschen Tipoeka en Baroe, en tusschen Tembagang en Baroe, daarna om de N.W. door de Loeara Ledoeng en kwamen op N.M. 5 u 15 van 23 November ten anker in de Troesan Gelagan, ter einde hooger water af te wachten voor de Sembakoengrivier; zagen op deze tocht nergens prauwen (maanstand laatste kwartier). Te 1 uur N.M. ontmoetten wy een motorboot van de B.P.M. en werd toen overgenomen de reeds genoemde gids, genaamd Daeng Djilaloe, die alle talen spreekt uit den omtrek, ook Soeloeneesch. Te 9 u 30 V.M. werd het anker wederom gelicht en stoomden om de Oost door de Sembakoengrivier, passeerden aan B.B. 3 boorplaatsen van de B.P.M. en aan S.B. op Sembakoeng 1 boorplaats. By deze laatste boorplaats ligt op de rivier ten anker het motortankschip Myrshell (4000 ton) door B.P.M. gehuurd van de Anglo Saxon Oil Comp. en dient als woonschip voor de bevolking van de boorondernemining op Sembakoeng. Aan de Zuid~~kant~~oost van Sembakoeng ligt een dergelijk schip genaamd Circeshell, en dient eveneens voor woonschip by een boorondernening. Te 11 u 30 V.M. kwam de „Lynx" by de Myrshell aan en bedankte ik den heer Chaillet voor zyn uitstekende bewezen diensten. Het vliegtuig dat dien morgen te 8 uur was opgestegen te Tarakan was even voor de „Lynx" by de Myrshell aangekomen, en werd aan boord Lynx geheschen. Het maakte dien V.M. de volgende tocht. Opgestegen ± 8 uur V.M., verkennen bewesten Tarakan, rond Boenjoe, door Straat Serban, Straat

Lincoeng

Linoesang Kajan – Sembakoeng, M^a, Bochat tot Banda rif, M^a Salindau naar woonschip Myrshell, landde aldaar 11 u 35 V.M. In M^a Sebawang en M^a Serban werden 2 prauwen aangehouden, welke geen mededeelingen konden doen omtrent badjaus. By Banda rif werd verdacht uitziende prauw met eenige revolverschoten gedwongen zeil neer te nemen; het bleek echter een eenvoudige visscher te zyn, die geen mededeelingen omtrent badjaus kon doen. Op de Sembakoeng-bovenrivier vluchtten de bewoners verschrikt naar hunne woningen wanneer het vliegtuig naby een kampong kwam.

Te 12 uur vertrok de „Lynx" weder om de Oost door de Moeara Salindau. Den vorigen avond had de heer Chaillet een bericht van Sembakoeng (Myrshell) ontvangen dat Zondag 20 November van een Chineesche prauw, afkomstig van Tawao, vernomen was, dat deze 3 prauwen met badjaus gezien had by een klein eilandje aan de monding der Sembakoengrivier. Toen de „Lynx" hier langs ging werd niets gezien, deze eilandjes bestaan uit bako bako en zyn onbewoonbaar. Moeara Salindau is zeer moeilijk te bevaren, en alleen met hoog water en op het lood, men heeft er zeer slechte peilpunten. Na het passeeren van Straat Salindau, werd koers gezet om de Noord en daarna de Zuidelijke monding der Simengarisrivier binnengeloopen; geen enkele prauw werd gezien. Ankerden ten 6 u 45 P.V. bezuiden Oost Noenoekan. Nog dient vermeld te worden, dat aan boord Myrshell zich bevinden 1 inlandsch sergeant en 7 politiesoldaten, die op de Sembakoengrivieren in den omtrek van de Myrshell met een prauw patrouilleeren. Deze soldaten gaan een dezer dagen weer terug naar Tarakan. Gedurende den nacht van 23 op 24 November werd geen byzonders waargenomen.

Hadden 23 November geen D.T. communicatie met Hms „Koetei" of G.S.S. „Orion". Het is op Tarakan niet bekend, dat Orion hier in den omtrek is, ik begin er ook sterk aan te twyfelen. 24 November werd 7 u 30 V.M. het vliegtuig te water gelaten tot het

anken.

maken van een verkenningstocht.

8 uur V.M. lichtte de Lynx het anker, stoomde om de Oost uit de Zuidelijke monding van de S. Simengaris en daarna om de West de Noordelijke monding van de S. Simengaris binnen tot aan den grens van het Engelsch gebied Op Oostkust Oost Noenoekan en Z.W. kust Sebitik staat een 3 tal kampongs aangeteekend op de kaart; ter informatie is de Lynx daarheen gestoomd, er werden echter geen kampongs gevonden, wel zag men op die plaatsen eenige sero's . Een sloep met een officier er heen gezonden kwam telkens onverrichter zake terug, er werd geen levende ziel aangetroffen. Hielden ten 10 uur V.M. in de Noordelijke monding een Chineesche handelsprauw aan afkomstig van Tawao, werd ondervraagd maar kon geen inlichtingen geven omtrent badjaus. Te 11 u 30 V.M. daalde het vliegtuig by den uitgang van de Noordelijke monding der S. Simengaris by de Lynx neder, kwam terug van zyn tocht in de richting der Soeloeeilanden en liet volgens afspraak een bericht vallen, hetgeen luidde: Zeeroovers, 40 prauwen 130 man badjaus bewapend met speren op eiland Si Amil (Engelsch grondgebied).

Buiten 3' grens gesprek gevoerd met den aanvoerder Radja Panglima Djoewang van Soeloe, noemde zich orang laoet, zonder vast bedryf, waren volgens eigen bewering niet op Hollandsch grondgebied geweest. Zy wisten precies afstand tot Tarakan, zynde 2 nachten en 1 dag varen, hoewel zy zeiden er nooit geweest te zyn. Het uiterlijk van voornoemden radja kwam overeen met de beschryving van den persoon van radja Indrapatiah en zullen dus waarschynlijk een en de zelfde persoon zijn. Zy waren absoluut niet bevreesd voor het vliegtuig, noch verbaasd hierover. Ik gaf aan vliegtuig order om naar Tarakan terug te keeren en zette zelf even eens koers naar Tarakan, ten-

einde

einde olie en watervoorraad weder aan te vullen. Ik zal morgen 25 November het vliegtuig weder een tocht laten maken in de richting der Soeloe eilanden om te zien, waarheen de badjau-vloot van Si Amil zich heeft begeven. Vermeld dient nog te worden dat radja Panglima Djoewang de witte vlag toonde op het zien van het vliegtuig welk sein door het vliegtuig werd beantwoord met het afschieten van een witte lichtkogel. Het vliegtuig heeft tot nu toe uitstekende diensten verricht en vergemakkelijkt op buitengewone wyze de verkenning en het contact krygen. Jammer is het, dat op Tarakan geen olie in te krygen die bruikbaar is voor het vliegtuig; zyn uitsluitend op onze eigen voorraad aangewezen, heb nog voor 16 uren vliegen in voorraad. Ik heb heden weder geen D.T. verbinding met Hms „Koetei". Kwamen hedenavond 7 uur voor Tarakan ten anker. 25 November werd een kort verslag gezonden aan den Resident van Bandjermasin en evenzeens een telegram aan den Resident van Menado om te waarschuwen voor de aanwezigheid van de 40 prauwen op Si Amil, ook werd gevraagd of Koetei nog in de Sangi eilanden ageerde. 25 November op den V.M. 6 uur werd het vliegtuig klaar gemaakt voor den voorgenomen tocht in de richting der Soeloe-eilanden. Het vliegtuig wilde echter niet uit het water stygen, het werd aan boord geheschen nieuwe pakkingen en bougies aan gebracht en weder te water gelaten, het vliegtuig weigerde wederom uit het water te stygen, werd weer aan boord genomen en grondig nagezien. Op de A.M. werd nogmaals geprobeerd om te vliegen, het mocht echter niet gelukken en werd het vliegtuig weder aan boord geheschen. Hms. „Lynx" heeft daarna 6 uur P.V. het anker gelicht en is naar buiten gestoomd. Na het passeeren van het lichtschip werden de lichten gedoofd en koers gezet naar het eilandje Sipadan. Ontmoetten in den nacht van 25 op 26 November geen prauwen en kwamen 6 uur D.W. by Sipadan aan. Sipadan ligt ± 20 mijl van Si Amil. Een ge-

wapende

wapende sloep naar den wal gezonden ter informatie, kwam onverrichter zake terug. Er waren eenige schildpadvisschers op het eiland, die niets gezien hadden van een badjau-vloot en geen inlichtingen konden geven. Daarna werd koers gezet naar de Zuidelijke monding van de S. Simengaris. Het vliegtuig werd op de V.M. van 26 November weder geheel nagezien en de oude bougies, na schoon gemaakt te zijn, weder ingezet; de nieuwe bougies waren totaal onbruikbaar geworden. Ten 10 uur V.M. werd het vliegtuig te water gelaten en vloog gemakkelijk op.

Een tocht werd gemaakt via Sipadan naar de 3 mijlsgrens van Si Amil. De waarnemer van het vliegtuig rapporteerde na terugkomst dat de badjau vloot van radja Panglima Djoemang nog steeds aanwezig was te Si Amil en een groot deel er van visschende was. Hms. „Lynx" ankerde 3 uur A.M. ter reede Tarakan; geen verdachte prauwen werden dien dag gezien. Zondag 27 November werd ter reede Tarakan vertoefd en gelegenheid gegeven om te passagieren. Zondag 27 November 's avonds 6 u 30 kreeg ik Uw cyfer telegram van 25 November 9 u 40 A.M., hetwelk vertaald luidde: „met referte aan Uw D.T. telegram, Engelsche autoriteiten worden spoedig gewaarschuwd. Blijven vloot waarnemen. Zoodra aangetroffen buiten Engelsche territoriale wateren aanhouden prauw radja opbrengen Tarakan ter onderzoek incident, waarvoor Lynx aanwezig. Hierby verdacht zijn op alle gebeurlijkheden 30903 (niet op te zoeken in code) 01023 (is aangevuld)".

Maandag 28 November 7 u 30 V.M. verliet Hms „Lynx" de reede van Tarakan met het doel een tocht te maken naar Si Amil, ten einde te probeeren radja Panglima Djoemang van [illegible] buiten de Engelsche territoriale wateren gevangen te nemen. Nabij de Zuidpunt van Tarakan gekomen, werd op de Oostkust van Tarakan een zeilvloot gezien van ± 15 prauwen. De gids daarop attent

gemaakt

gemaakt, beweerde dat het een badjau-vloot was; een gewapende sloep onder een Officier en de gids werd er heen gezonden en met het schip zoo dicht mogelijk by het rif genaderd, terwijl de mitrailleurs klaar waren om te vuren. Het bleken 15 badjauprauwen te zyn onder aanvoering van radja Indarpatlah van Soeloe, afkomstig van Banaran (Soeloeeilanden), zich ook wel noemende radja Datoe Tata. In de prauwen werden geen vuurwapens aangetroffen, wel korte messen en kleine speren, die gebruikt worden by het visscherybedryf. Dit was de bewuste vloot, die 10 November een bezoek heeft gebracht aan Sembakoeng en op zoek was naar de broer van den radja. De radja en een volgeling werden aan boord Lynx gebracht en naar de reede van Tarakan gestoomd, terwyl de badjau-vloot aangezegd was te volgen. Ter reede Tarakan geankerd, werd badjauvloot gezamenlijk achter het schip vastgelegd op sloeptros. Controleur van Berouw kwam aan boord Lynx en heeft radja en eenige volgelingen een verhoor afgenomen, waarvan afschrift hiernevens gaat. Het bleek dat opgegeven doel om broer te zoeken gefingeerd was; de z.g. broer Datoe Djoehal te Lingkas wilde niets met Indarpatlah te maken hebben en ontkende pertinent eenige familie relatie. Ik heb 's avonds 6 uur 30 prauwen ± 5 mijl naar buiten gesleept en daarna los gelaten, na hen eerst ernstig gewaarschuwd te hebben zich niet meer te vertoonen op Ned. Ind. rechtsgebied, in welk geval zy onder vuur genomen zouden worden en gevangen gezet. Daarna werd naar de reede van Tarakan teruggekeerd en geankerd. Het vliegtuig maakte dien middag nog een vlucht naar Si Amil en werd de badjauvloot van 40 prauwen onder aanvoering radja Panglima Djoewang aldaar nog aangetroffen. Het vliegtuig streek buiten de 3 mijlsgrens neder en kwam de radja onmiddellijk met zyn prauw naar het vliegtuig toe. De waarnemer had een onderhoud met hem.

hem en radja verklaarde geen plan te hebben om van Si Amil te vertrekken, waren daar al lang gevestigd en leefden van landbouw en visscherybedryf. Waarnemer vroeg of de radja lust had om een vliegtocht mee te maken, maar deze wilde er geen gebruik van maken, omdat hy oud was en geen opvolger had. Zyn volgelingen wilden echter gaarne mee de lucht in, op voorwaarde dat [illegible] (waarnemer) zelf ook meeging. Het is echter niet geschied en heeft het vliegtuig na dit onderhoud de terugtocht aanvaard. Gevraagd werd nog aan Djoewang of hy Indarpatilah kende, hetgeen niet het geval was. Van den Controleur van Berouw vernam ik nog, dat het eiland Maratoea uitsluitend bewoond wordt door Soeloeneezen en dat de Soeloeneezen [2] langzamerhand op de Oostkust van Borneo vele familie relaties hebben gekregen. Op de n.m. van 28 November kreeg ik een D.T. telegram van den Resident van Tawao en seinde deze, dat hy geen nieuws had omtrent zeeroovers. Ik heb dezen autoriteit teruggeseind, dat badjauvloot van 40 prauwen nog steeds op Si Amil was, en dat ik heden 12 badjauprauwen had opgebracht naar Tarakan. 29 November zond ik een telegram aan As. Resident Samarinda over het gebeurde van den vorigen dag en gevraagd welke maatregelen thans nog noodig werden geacht. Ook seinde ik aan Resident Menado het gebeurde op 28 November. 29 November bleef Lynx ter reede Tarakan voor kleine machinereparatie, nam olie over voor vliegtuig, welke voor gebruik geschikt bleek te zyn. Vliegtuig steeg v.m. 10 u 30 op om te zien, waarheen badjauvloot van 18 prauwen zich heeft begeven. De geheele vloot werd N.O. van Boenjoe gezien buiten de 3 mijlsgrens en stevende op de N.O. Het vliegtuig is vlak by de prauwen neergestreken en weer opgestegen om te demonstreeren, dat gemakkelijk contact kan worden verkregen. Ik ben er dan ook van overtuigd, dat badjau[1]vloot zich althans voorloopig niet

[redacted]

meer zal vertoonen in deze streken. 30 November 8 uur V.M. werd het anker gelicht en van Tarakan gestoomd naar het lichtschip, van daar om de Noord en de Noordelijke monding der S. Simengaris tusschen Oost Noenoekan en Sibetik binnen geloopen, daarna terug en ten 6 uur P.V. geankerd 3 zeemijl bezuiden Makassarbank. Zagen den geheelen dag geen verdachte prauwen; hielden 5 uur P.V. een Chineesche handelsprauw aan afkomstig van Tawao deze deelde mede geen badjauprauwen te hebben ontmoet. Het vliegtuig kon heden niet te water gelaten worden wegens toestand zee. Lichten 11 u 30 N.M. het anker, stoomden naar Sipadan alwaar geen prauwen gezien werden, vandaar op de D.W. van 1 December naar de 3 mijlegrens aan de Oostzyde van Si Amil, zagen de ± 40 prauwen op het rif visschende, waaruit wel zoo langzamerhand blijkt, dat zy een vaste nederzetting vormen op Si Amil. Stoomden van Si Amil weder om de Zuid en van Legitan naar Zuid Sebetik. Lieten 1 December 9 uur V.M. het vliegtuig te water en werd een tocht gemaakt vanaf Legitan naar Zuid Sibetik, vandaar om de Zuid naar eiland Ahoes, waarvan op ± 5 mijl de bewuste badjauvloot van 15 prauwen werd gezien, koersende om de N.O. Het vliegtuig is in de nabyheid neergestreken en tevens een Chineesche handelsprauw aangepraaid en gevraagd of zy last ondervonden had van badjauvloot, hetgeen ontkennend beantwoord werd. Aangenomen kan dus worden, dat badjauvloot huiswaarts is getogen. Vliegtuig is daarna doorgevlogen van Ahoes tot be Oosten Mandoel en van daar rechtstreeks naar eiland Sipadan en nabyheid Si Amil, waar badjauvloot van 40 prauwen nog steeds visschende. Ontving hedenmorgen 11 uur een D.T. telegram via Tarakan van Resident Bandjermasin luidende: „Uw sein gisteren, wanneer badjaus buiten ons rechtsgebied en geen bedreigingen onder nederzettingen te verwachten zyn, verdere maatregelen Lynx niet meer noodig." Lynx ankerde 6 u 30 P.V. be Zui-

den

den Noenoekan. 2 December 7 uur V.M. lichtte Lynx het anker en stoomde buitenom naar Tarakan. Ten 8 u 30 V.M. werd vliegtuig te water gelaten en werd een tocht gemaakt rondom Oost Noenoekan en verder nog ± 10 mijl om de Oost, daarna terug naar Oostkust Sibetik langs Noenoekan, langs Ahoes en Noordkant Boenjoe. Liet ten 11 uur V.M. een richtkokertje by Lynx vallen, hetwelk vermeldde, dat de helft van bewuste badjauvloot reeds op Engelsch gebied was, N.O. zeilende en de andere helft zich nabij de Oostkust van Sibetik bevond een weinig binnen het Ned. rechtsgebied, waar op deze prauwen met eenige revolverschoten en lichtkogels vanuit het vliegtuig te kennen werd gegeven meer uit de kust te gaan. Vliegtuig bleef in de nabyheid tot de prauwen buiten het Ned. rechtsgebied waren en in Oostelijke richting verdwenen. Thans is zeker, dat meergenoemde badjauvloot niet meer in nabijheid van Ned. rechtsgebied is en zal deze vloot heden wel op Engelsch gebied landen om water en eten te zoeken. Ontving hedenmorgen een D.T. telegram van Resident Tawao, luidende: „My launch reports all correct at Si Amil. Will you come Tawao and I will visit Si Amil with you—Resident Tawao". Ik seinde hierop terug: „Lynx is going to Tarakan for coaling. When the aeroplane comes back, I will send it to Tawao and the Commander can speak with you over the case at Si Amil."

Lynx arriveerde hedenmiddag 3 u 30 te Tarakan en meerde aan den steiger om olie te laden, nemen vliegtuig aan boord, teneinde motor na te zien; kan vliegtuig heden niet meer naar Tawao zenden, zond hiervan bericht aan Resident Tawao. Ik seinde 2 December na aankomst Tarakan aan Resident Bandjermasin: „Bewuste badjauvloot van Sembakoeng is thans op Engelsch gebied be Oosten Tawao. Koetei morgen te Tarakan verwacht.

Adviseur

Adviseer Koetei en Lynx thans hier niet meer noodig" Des avonds ontving ik Uw cyfertelegram van 3 December luidende: „Als Koetei aangekomen overgeven dienst. Lynx met vliegmachine terugkeeren Prick. Driemastschooner Lucie Gerardine aan."

Hms. „Koetei" arriveerde Zondag 4 December V.M. 9 uur te Tarakan; ik gaf den dienst over aan den Commandant van dien bodem, gaf hiervan kennis per sein aan den Resident van Bandjermasin. Hms. „Lynx" vertrok dien morgen 11 u 30 van Tarakan met 9 mijls vaart naar Balikpapan, teneinde olie-en kolenvoorraad aan te vullen.

5 December V.M. 8 u 20 ontving ik Uw cyfertelegram van 3 December via Tarakan, meldende dat schooner terecht en Lynx rechtstreeks opkomen naar Prick. Laden 6 December stookolie op Balikpapan, er waren daar geen kolen te krygen. Stoomden 7 December naar Stagen, laden aldaar kolen (75 ton Poeloe Laoet) op 9 December, vertrokken van daar 10 u V.M. en arriveerden 10 [illegible] December te Tg. Prick.

De Luitenant t/z le Kl. Ct.

(wg)

Voor eensluidend afschrift:

De Secretaris by het

Departement der Marine in

Nederlandsch-Indië,

(wg) K. Zeeven.

Voor eensluidend afschrift:

De Gouvernements-Secretaris,

Annex 121

FOREIGN OFFICE MEMORANDUM ENTITLED *ADMINISTRATION BY BRITISH NORTH BORNEO COMPANY OF CERTAIN UNITED STATES ISLANDS* DATED 23 NOVEMBER 1922

Administration by British North Borneo Company of certain United States islands.

A6956/3621/45/1922.

By a treaty of September 23, 1836, between Spain and the Sultan of Sulu, the limits of the Spanish jurisdiction were defined as extending from the western point of Mindanao to Borneo and the Paragua (Palawan) with the exception of Sandakan and the other countries tributary to the Sultan on the continent of Borneo.

2. In 1878 the Sultan of Sulu ceded to Baron de Overbeck and Mr. Alfred Dent the territories tributary to him on the mainland of Borneo with all the islands within three marine leagues of the coast. This led eventually to the formation of the British North Borneo Company and the grant of a charter.

Confl.8275.
P.41.

3. The cession, with other circumstances, gave rise to discussion respecting the Spanish rights of sovereignty in the Sulu Archipelago, and in 1885 Great Britain, Germany, and Spain signed a protocol in which the line given in the treaty of 1836 was accepted, and Spain renounced as regards Great Britain all pretension to sovereignty over territories on the continent of Borneo formerly belonging to Sulu, including some important islands specially mentioned, (Balambangan Banguey and Malawali) and all those islands comprised within a zone of three maritime leagues from the shore which formed a portion of the territories administered by the British North Borneo Company.

4. By the Treaty of Peace between Spain and the United States, of December 10, 1898, Spain ceded to the United States the "archipelago known as the Philippine

(8571) Wt. [illegible] J.T.& S. Ltd. [illegible]

Islands"/

Islands" comprehending the islands lying within an indicated line. It being subsequently discovered that the line did not include all the islands which had been under Spanish sovereignty, a further treaty was signed on November 7, 1900, by which Spain relinquished to the United States all title and claim of title which she may have had at the time of the conclusion of the treaty of peace to any and all islands belonging to the Philippine Archipelago lying outside the lines described in that treaty.

5. Notwithstanding these treaties, the Sultan of Sulu advanced a claim to some of the islands, and the British North Borneo Company agreed to pay him a small annual present. The Governor of North Borneo conducted the negotiations and concluded in April 1903 a formal agreement by which the Sultan of Sulu ceded to the Company a number of islands, almost all of which were beyond the three league limit of the Company's acknowledged territory, as having been included, although not mentioned, in the original cession of 1878. The conclusion of this agreement was known to an American interpreter who, it is presumed, communicated with the authorities in the Philippine Islands, with the result that a man-of-war was sent to hoist the United States flag on the islands of Bakungan, Taganac, Lankayan, Sibaung, and Lihiman. These islands, f being outside the three-league limit, were included in the final cession of the archipelago to the United States under the treaty of November 1900, and the United States claim to sovereignty appears/

f [illegible]

appears thus to be well founded.

6. The fact remained, however, that these islands had been administered by the British North Borneo Company for more than twenty years, and had been cleared of pirates; they were declared [illegible] of considerable use to the Company for purposes of protection, and were probably of no value to the Americans. In the circumstances it was decided to lay the case before the United States Government, and to enquire whether they would be disposed to refrain from pressing their claim to the islands, and to consent to the re-establishment, within carefully prescribed limits, of jurisdiction by the British North Borneo Company.

Conf^{1}.8275.
P.43.

7. On December 10, 1904, the United States Government expressed its willingness to come to an understanding with His Majesty's Government and proposed a joint examination of the North Bornean neighbourhood by two experts (one on behalf of each Government), who should be instructed to agree and report upon a tentative line of demarcation between the islands belonging to Borneo and those of the Sulu group in accordance with the intention of the parties to the protocol of 1885.

Conf^{1}.8567.
P.117.

8. The Company were opposed to delimitation, apparently because of the expense involved. It was accordingly pointed out to the United States Government that their title to the islands was unquestioned and that the object of the communication already made to them was to ascertain whether they would be willing to forgo their right to the islands out of consideration

Conf^{1}.8663.
P.120.

for/

for the fact that the Company had, for many years, carried on their administration under the belief that they formed part of their own territory, and attached importance to being permitted to retain their control over them.

9. In reply the United States Government enquired whether some arrangement such as a ninety-nine years' lease, in return for a nominal consideration taking the form of a concession to American trade, would meet the needs of the case. The British North Borneo Company considered, however, that such a lease would not be altogether satisfactory and would necessitate the drafting of a document of a very complicated nature. They therefore suggested that they should be allowed to carry on the administration while recognition of the United States rights of sovereignty should be made by an annual payment of 130 dollars.

Conf^{l}. 8443.
P.128.

Do.
PP.128 & 132.

10. On January 12, 1906 the United States Government indicated their readiness to accept in principle the proposal of the Company, but stated that before proceeding to an exchange of notes effecting a final settlement on that basis, the undermentioned preliminaries would required to be fulfilled:-

File 2530./1906.

(1) The Company to submit a chart of the region showing the line within which it desired to carry on administration, as well as the line which was recognised as dividing North Bornean territory from American territory.

(2) The engagement might be either of indefinite duration, or for renewable periods, the former being preferable if the right to terminate it upon one year's notice were expressed.

(3) In case of denunciation the disposal of the Company's real property on the administered islands

if improvem[illegible] had been made thereon, should be specified.

(4) In consideration of the United States Government refraining from administering the islands in question, to the extent which the Company might deem adequate to protect its coasts from smuggling or from piratical incursions, the United States should be distinctly exempted from any claim or allegation of responsibility arising out of acts done in or from the American islands, outside the limits of Bornean administration.

File 624/1907.

11. In regard to the first of these points the British North Borneo Company deprecated having to submit a chart showing the line dividing Borneo from American territory. The preparation of such a chart would necessitate the despatch of a joint delimitation commission which would involve considerable expense. They pointed out that on November 16, 1903, they had furnished a map showing the limits within which they desired to carry on the administration. With respect to point (2) the Company wished to be left undisturbed in the administration of the islands, without any detailed agreement, the United States Government simply waiving in favour of the Company their right to administer; but if that were not possible the Company would prefer to continue the administration on leases renewable, say every twenty-five years, paying the annual rent of 150 dollars as previously suggested. On point (3) the Company proposed that in case of denunciation the United States Government should agree to recognise titles and concessions granted in the islands by the Company, and should pay the Company for improvements

Point/

Point (4) was agreed to by the Company.

12. The United States Government agreed to the indefinite continuance of the existing status, at the pleasure of the parties, the waiver covering the islands to the westward and southwestward of the line traced on the map supplied by the British North Borneo Company on November 14, 1905 (see Para.11 above). The understanding was to continue until the two Governments (British and United States) should by treaty delimit their respective territories in that quarter or until the expiry of one year from the date of the notice of termination given by either Party.

13. This arrangement was embodied in an Exchange of Notes dated July 3/10, 1907, a copy of which is attached to this paper.

14. Although, as will be seen from paras.7 and 10 above, the delimitation of the boundary was proposed by the United States on two occasions prior to 1907, no steps have been taken in the matter since that date.

John W Field

FOREIGN OFFICE,
November 23, 1922.

Annex 122

COUNTER-MEMORANDUM SUBMITTED BY THE NETHERLANDS IN THE *ISLAND OF PALMAS* CASE, PERMANENT COURT OF ARBITRATION, 1926, ANNEX I, "THE STATUS OF THE EAST-INDIA COMPANY CONVENTIONS WITH NATIVE STATES"

IN THE PERMANENT COURT OF ARBITRATION

COUNTER-MEMORANDUM

IN ANSWER TO THE MEMORANDUM CONTAINING A STATEMENT OF THE CONTENTIONS OF THE GOVERNMENT OF THE UNITED STATES WITH RESPECT TO THE QUESTION WHETHER THE ISLAND OF PALMAS (OR MIANGAS) IN ITS ENTIRETY FORMS A PART OF NETHERLANDS TERRITORY OR OF TERRITORY BELONGING TO THE UNITED STATES OF AMERICA,

AND THE DOCUMENTS IN SUPPORT THEREOF

ANNEX I

THE STATUS OF THE EAST-INDIA COMPANY
CONVENTIONS WITH NATIVE STATES

I. THE STATUS OF THE EAST-INDIA COMPANY

1. On several pages of the United States memorandum (pp. 90, 91, 106) the United States Government show that they labour under a misapprehension with regard to the status of the Netherland East-India Company.

Whatever may be the difficulty to account dogmatically for the fact that a trading-company was empowered to acquire and exercise sovereign rights, either in its own name or in the name of a given sovereign, it is scarcely necessary to recall that this phenomenon is of frequent occurrence in history. During several centuries, and more especially since the beginning of the seventeenth century, the institution of chartered companies, empowered to a greater or lesser extent to exercise public authority, has been well-known in many countries. In fact, more than one state of the American Union owes its existence to the activities of associations of private individuals who, covered by a royal charter, acquired new territories for the King of Great-Britain. The latest and most complete development of the institution of a private company exercising public rights is perhaps to be seen in the international association of the Congo, which during its existence enjoyed the prerogatives of a sovereign state. With regard to companies vested by a sovereign with public authority, the well-known Netherland East-India Company (like its contemporaries in other countries, especially in Great-Britain) is a case in point. It has been stated in the first Netherland memorandum (page 11, note 2) that the United Provinces, had authorized the East-India Company by a special charter to conclude treaties in the name of the Netherlands (art. 35 of the charter), and that, under the constitution of the Batavian Republic (1798) which later on became the present Kingdom of the Netherlands, this republic succeeded to all the possessions of the East-India Company. In view of the doubt expressed in the American memorandum (pp. 90, 91 and 95) as to the company's status, the full text of art. 35 of the charter of 1602 is given here:

> "Item, dat die vande voorsz Compagnie sullen vermogen beoosten de Cape "van bonne Esperance, mitsgaders in ende door de engte van Magellanes, met "de Princen en de Potentaten verbintenissen te maken, ende contractien op "den naem van de Staten Generael vande Vereenichde Nederlanden, oft Hooge "Overheden der selver, mitsgaders aldaer eenige Fortressen ende versekertheden te bouwen, Gouverneurs, Volck van Oorloge, ende Officiers van Justitie, ende "tot andere nootelijcke diensten, tot conservatie vande Plaetsen, onderhoudinge van "goede ordeninge, Policie ende Justitie eensamentlijck tot voorderinge vande Neeringe "te stellen, behoudelick dat de voorsz Gouverneurs, Officiers, Volck van Justitie "ende Volck van Oorloge, sullen Eedt van ghetrouwicheyt doen aende Staten "Generael, of te de Hooge Overigheyt voorsz. ende aende Compagnie, soo veel "de Neeringe ende Traffique aengaet, ende die sullen de voorschreven Gouverneurs ende Officiers van Justitie af stellen, bij soo verre sij bevinden, dat de "selve hun qualick ende ontrouwelick dragen, met dien verstande, dat sy-luyden "de voorsz Gouverneurs oft Officiers niet en sullen beletten, herwaerts over te "komen, om hare doleantien of klachten, so sy eenige meynen te hebben, aen "ons te doen, ende dat die van de Compagnie t'elcker wederkomste van de "Schepen gehouden sullen wesen de Heeren Staten Generael te informeren van de "Gouverneurs ende Officieren, die sy inde voorsz Plaetsen sullen hebben gestelt "omme haere Commissie als dan geapprobeert ende geconfirmeert te worden" [1].

---

[1] Groot Placaet-Boeck, vervattende de Placaten, Ordonnantien ende Edicten van de Doorluchtige, Hoog Mog. Heeren Staten Generael der Vereenighde Nederlanden; ende van de Ed. Groot Mog. Heeren Staten van Hollandt en West-Vrieslandt, Anno 1658, blz. 535.

See on the execution given to this charter as early as in 1609: de Jonge, "De opkomst van het Nederlandsch gezag in Oost-Indië", Vol. 3, page 2; also p. 145.

The East-India Company soon took an active part in the struggle with Spain. [illegible] in the unpublished work of Hugo Grotius' [illegible] V, [illegible] 1868, pp. 25–26 says:

"Soon the States-General themselves exhorted the directors of the United Company "that they should henceforth instruct their admirals and captains "to damage the enemy

2. The charter was partially altered several times, but this article remained unchanged. As stated above, the newly created Batavian Republic in 1795 took over the whole of the possessions, rights and obligations of the Company. Art. 247 of the constitution of the Batavian Republic reads as follows:

"De Bataafsche Republiek neemt tot zich alle de Bezittingen en Eigendommen der "gewezen Oost-Indische Compagnie, benevens alle derzelver schulden.

"De Octrooyen, voormaals aan die Compagnie verleend, worden vernietigd".

Art. 250 of the same constitution reserved for later provision by law the establishment and the organisation of police and justice for the colony, while, as long as that law had not come into force, a "council for Asiatic possessions and establishments" was instituted to hold the reigns of Government according to the principles of the last charter of the East-India Company. Thus the Netherland Government resumed in 1798 all public powers formerly delegated to the East-India Company, providing at the same time for the continuance of the relations existing with the native princes in conformity with the terms of the conventions concluded with them by the Company. Such was the transition toward direct colonial Government.

After several changes in the Netherland constitution the organisation of the Government of the East-Indies was established by the Instruction for the Governor-General and council of February 9th, 1807. A new "Reglement op het beleid van de Regeering" was proclaimed on December 22nd, 1818. It is not necessary here to dwell on the succeeding statutes of 1827, 1830 and 1836. The act of September 2nd, 1854 [1], which came into being after the constitutional change in 1848, has been the constitutional law for the Netherland-Indies for the second half of the 19th century up to this time. All these statutes and enactments contained stipulations investing the Governor-General with powers to conclude conventions with native princes and peoples (article 44 of the act of 1854 (Staatsblad n°. 129); article 84 of the new act: "Indische Staatsregeling" of 1925 (Staatsblad n°. 327).

3. The charter of the East-India Company empowered it on the one hand to conclude conventions with Princes and Powers, in the name of the States-General of the Netherlands, and on the other hand to establish settlements, forts, etc. and to appoint governors, officers and soldiers for the administration of justice and for police-purposes.

This has given rise in practice to a large growth of settlements, annexations of territory and conventions with native chiefs. A large quantity of internal regulations give some idea of the institutions of the company [2].

4. A complete comprehension and appreciation of the character of a Company of such importance can only be obtained, of course, by the study of its whole life and of the history of colonial development, wherein it took such a prominent part. The literature on the subject is very voluminous. The well-known history "De opkomst van het Nederlandsch Gezag "in Oost-Indië", by de Jonge, continued by Prof. [illegible], is one of the chief sources of information on the subject. Short reviews on the subject may be found in the Encyclopaedie

---

""in the Indies, their persons, vessels and goods in all possible ways" and consequently the ""directors in concert with the deputies of the States gave Steven van der Hagen, who ""sailed for the Indies in December 1603 with twelve ships, secret orders "containing several ""schemes greatly to damage the common enemy, both by water and by land" (here Mr. Fruin "gives further particulars in a note). That instruction indicates the turning-point in the "history of the trade with the Indies. From this moment the United Company ceases to be "a mere trading-company; it becomes a Power waging war and in the Indies it represents "the Republic in the fulness of its authority".

See also art. 46 of "Ordonnantie en Instructie voor den Gouverneur-Generaal en de Raden van India, "geaccordeerd ter vergadering van 17en binnen Middelburg, den [illegible] Augustus 1617 en geapprobeerd "bij zijne Princelijke Excellentie en H.H. Mogendheden de Staten-Generaal den [illegible] November 1617: "Ook in alle discretie en voorzichtigheid met alle koningen, princen, republikeinen en heeren [illegible] "correspondentie vriendschap en alliantie houden en maken, die [illegible] ten dienste van de compagnie "noodig zullen vinden, zonder [illegible] te [illegible] of [illegible] met iemand [illegible] in oorlog "en contentie van wapenen te komen". See Mijer, p. 87.

[1] See for the detailed survey of the historic development of Netherland-Indian constitutional law: Kleintjes: "Staatsinstellingen van Nederlandsch-Indië", fourth edition, Amsterdam, 1923, Vol. I, pp. 6—17.

[2] See: de Jonge "De Opkomst van het Nederl. gezag in Oost-Indië" passim. Some of the instructions have been printed separately in: P. Mijer: "Verzameling van Instructiën, ordonnanciën en "reglementen", Batavia 1848. See also "De Encyclopaedie van Ned.-Indië" sub voce "Compagnie", Vol. I, pp. 485 and following, second edition, 1917.

van Nederlandsch-Indië, sub voce—"Compagnie" and under several other headings, and in the two volumes called "Neerlands Indië (Land en Volk, geschiedenis en bestuur, bedrijf en samenleving)", edited by H. Colijn, more especially in the chapter on "Geschiedenis "en bestuur" by Prof. Heeres. The names of many handbooks, and also of articles in periodicals, could be added.

5. Although the character and development of chartered companies such as the Netherland East-India Company, as well as analogous companies of other nations, are generally treated in books on colonial administration and history, some textbooks on international law also deal with the subject. See e. g. Ernest Nys, in "Le droit international", Paris 1912, Vol. I, p. 105, and Vol. II. p. 74 and following, and p. 98 and following; Despagnet et de Boeck "Cours de droit international public", Paris, 1910, pp. 594—596; Westlake, Collected Papers, pp. 195—197.

For the British Indian Empire see Lee Warner, "The native states of India". For the French chartered companies see A. Girault "Principes de colonisation et de législation coloniale" (Introduction), Paris 1921, pp. 190 and foll. (sections 52 and foll.).

II. CONVENTIONS WITH NATIVE STATES AND PRINCIPALITIES [1]

6. On pages 104, 106 and 107 of their memorandum the United States Government, apart from the question of applicability of political contracts to the special case of Miangas [2], make some general remarks which give it to be understood that the United States call into question the importance to be attached to political contracts with native states generally, such as are mentioned in the first Netherland memorandum. A few words, therefore, may here not be out of place, to elucidate the character of these conventions which, as is well known by all who are familiar with the history and development of the institutions of colonial powers like the Netherlands and England in the Indian Archipelago and on the continent of Asia, constituted, and still constitute, an important element therein, hand in hand with the growth of effective supremacy and power.

7. It may be permitted, however, to state in passing that the doubt expressed in the United States memorandum with regard to the value of conventions concluded by the East-India Company, contrasts somewhat strangely with their own appeal to art. 5 of the treaty of Münster, which clearly recognizes these conventions, and extends the effect of the treaty to the native states with whom they were concluded: "Et seront compris sous "le dit traité touts Potentats, nations et peuples, avec lesquels les dits Seigneurs Etats,

---

[1] The United States Government might well remember that what they concluded on August 20, 1899, with the Sultan of Sulu (Yolo), was in fact nothing else but a political contract (see the text of the treaty in Senate Documents nº. 136, 56th Congress, 1st session, page 26. The treaty (abrogated in 1904) contained art. I the acknowledgement of the sovereignty of the United States, the rights of the Sultan being fully respected. The United States being authorized to occupy and control only such places in the archipelago of Yolo as public interests seem to demand. "The United States will give full protection to the Sultan and his subjects in case any foreign nation should attempt to impose upon them" (art. XIII). "The United States will not sell the island of Yolo or any other island of the Yolo archipelago to any foreign nation without the consent of the Sultan of Yolo". The United States Government pay the Sultan and the "dattos" certain salaries. Crimes and offences committed by Moros against Moros are the exclusive concern of the Sultan's Government; if the offenders are in possession of the United States authorities, these will deliver them to the Government of the Sultan.

The instructions issued to Gen. Bates July 3, 1899 (page 3 and following of the above quoted Senate Documents) clearly expound the nature of the relationship; the United States promise "not to interfere in "the (the Moros') affairs of internal economy and political administration further than to respond to their "requests of assistance". See also Moore, Digest of International Law, vol. I, p. [illegible].

[2] The importance, with regard to Miangas, of the conventions with native states to which Miangas belonged, has been shown in sections [illegible] of the Netherland memorandum. It strikes the reader as an anomaly, when discovering in the United States memorandum the tendency to belittle the indubitable value of conventions with native states, to remember the absolute lack of evidence of Spanish effective dominion. It would indeed be strange if more importance were to be attached to considerations, with regard to Miangas, of the possession by Spain in [illegible] of some local establishments in the Philippines, than to the actual acts of sovereignty and administration (see the quoted sections and chapter [illegible] of the first Netherland memorandum) by the Netherlands.

"ou ceux de la Société des Indes Orientales et Occidentales en leur nom, entre les limites "de leur dits-octroys sont en amitié et alliance".

Reference to this stipulation of the treaty of Münster might well be considered to dispose definitively of any surviving doubt of the United States Government on the subject. Apart from this, however, it is perhaps useful to make some further observations in order to give a correct idea of the character and development of the conventions.

8. The Netherland Government are under the impression that in their appreciation of the character and value of these conventions, the United States Government have been (wrongly) inspired by some specifically American ideas in the matter of contracts made with- and cessions made by one or another vagrant American Indian tribe, who did not constitute a state. The cases of this order which were decided in American courts are often dominated by questions of private law concerning cession of property by Indians; they also often have regard to the incapacity of Indians to transmit title to territory which was considered as belonging to the British crown and afterwards to the United States (see e. g. MOORE, Digest of International Law. Vol. I, pp. 35 and 36; HYDE. International Law, Vol. I, p. 19; and Chief Justice MARSHALL in Johnson v. Mc Intosh (1823), 8 Wheaton 543). The point of view with regard to conventions with native chiefs was also well-known from the correspondence between the Governments of the United States and of Great-Britain in the case of the Mosquito-Indians (see MOORE, Digest of International Law, Vol. III, pp. 130, 146 and 160, 161, 235; see also for the legal opinion forming the basis of the award of the Emperor of Austria in the dispute between Great-Britain and Nicaragua: MOORE, International arbitrations, Vol. V, p. 4955). The Mosquito-case, however, bears no resemblance to the Miangas-controversy, political considerations of a special character playing a large part in the former case (interoceanic canal through isthmus, and Monroe doctrine; in that case also the American standpoint was mainly determined by the American theory of the status of American Indian tribes). The question was terminated by a freely negotiated treaty between Great-Britain and Nicaragua and with Honduras. There was no question of an acknowledgment by Great-Britain of the illegitimate character of its protectorate, nor was there an arbitral pronouncement in that sense.

9. With regard to the passage from OPPENHEIM's "International Law" quoted on p. 106 of the American memorandum, the Netherland Government do not consider that statement of Dr. OPPENHEIM sound when taken as a general maxim. They also desire to point out, that Dr. OPPENHEIM's main concern in his treatment of this subject does not seem to have been an attempt to pronounce upon the effect of transactions such as mentioned by him, but to make a scientific division between what in his opinion was a cession between two equal members of the Family of Nations, the domain of international law in his opinion being limited to that family. See also sections 103 and 214 especially page 377, and sections 28 and 29 of his treatise. That cession by a native chief is not considered void by Dr. OPPENHEIM is to be seen from a note on the said page 285 of his book, where he recognises cession by a native chief, although that cession has not the same technical meaning as a cession between two members of what he calls the Family of Nations; on page 378 (section 222 par. 2) it is admitted (and, as may be observed in passing, this is in conformity with international, and especially British, practice) that a private corporation may acquire land in this way and induce a state, member of the Family of Nations, to acknowledge the acquisition as having been made on its behalf. In many cases the agreement with a native chief will take the form of a convention, where in fact subjugation has taken place. What other form is possible? There are only two alternatives: agreement, or physical force. Which is preferable? Surely the first of the two [1].

---

[1] It is perhaps interesting to state here the opinion of [illegible] Manuel de droit international public 7th edition Paris 1914 No. 554, [illegible], who expressly recognizes conventions with native tribes. "C'est à l'aide de conventions pacifiques que l'Europe doit chercher à pénétrer dans les régions "habitées, non encore soumises à son influence. C'est par voie de cession volontaire, consentie par les "chefs du pays, que la souveraineté peut être acquise par les États européens. Et cette cession volontaire "n'est pas un déguisement de l'occupation; car, il y a abandon de la souveraineté rudimentaire [illegible] "réelle cependant, telle que la comprennent ou la pratiquent les chefs de tribus, de [illegible]

10. As for the Delagoa-Bay-case mentioned on page 108 of the United States memorandum, it will be noticed when the arbitral decision is read in its entirety, that that decision did not deny validity to contracts with native chiefs generally, but that it denied to these contracts the effect of constituting for Great-Britain, a title to the country in question. The ground of the arbitrator's decision was, that in his opinion the sovereignty of Portugal at the moment of the conclusion of the contracts was established, and that the native chiefs who had concluded the contracts with Great-Britain had lost the capacity to contract, special importance being attached to a treaty concluded between Great-Britain and Portugal in 1817. Also, a casual agreement like the one concluded by captain Owen in 1823 in the Delagoa-Bay, cannot fairly be compared to the conventions that constitute a constant element of a well-established and continued policy of the Netherlands in the East-Indian archipelago, and of Great-Britain on the continent of Asia.

11. It seems appropriate to say a few words here concerning the Bulama-arbitration ¹) in so far as contracts with native chiefs were one of the elements that played a part in that arbitration. In the opinion of the Netherland Government, no parallel exists between the conventions with native states concluded in the East-Indies by the Netherlands and England, and a contract like the one that was an element in the Bulama-arbitration. In the first place, this latter contract was a simple cession of landed property not to be compared to political contracts. Also there might be some doubt with regard to the character of those native settlements as constituting a state. But apart from this, it is well worth noting (see also the "note doctrinale" on this arbitral decision in DE LAPRADELLE and POLITIS, "Recueil des arbitrages internationaux", II, p. 616) that in this decision the arbitrator proclaimed a principle of American doctrine: „Whatever force might be given to such a "title" (the contract with the native chief) "in case of actual occupancy of the territory "ceded at the time of the cession, to admit the validity of such title when the grantor "did not reside upon or permanently possess and occupy the territory ceded would be contrary to the whole policy of the United States and to all the rules of public law recognized "by it. *It is to be presumed that the parties made the submission knowing the American "doctrine"* ²) (see correspondence with Great-Britain as to the Mosquito-coast)". In the first place it should be noticed that this decision does not proclaim the legal invalidity of conventions with native chiefs, but the invalidity in this special case on account of the fact that the grantor did not possess the territory concerned; and in the second place this pronouncement must be considered as having been inspired by the American principle that Indians cannot validly dispose of territory. In the Mosquito-case this principle was closely connected with the other principle that the whole of America was under the sovereignty of the republics which were the successors of Spain, leaving no room for independent tribes.

12. It seems fit briefly to recall here the general character and the evolution of the conventions concluded in the East-Indies between the Netherland East-India Company and its successor the Netherland-Indian Government, contracts which find a parallel in the contracts with native chiefs concluded on the continent of India between the British East-India Company and the British Indian Government with the native chiefs. In the conventions of this nature concluded by either country, a distinct development and evolution is to be noticed, culminating in the consolidation, in the Indian archipelago of what is now the Netherland-Indies, and on the continent of Asia, of the British Indian Empire. Although there are many points of difference, and although the measure of internal independence of some native states in the British Indian Empire is, formally speaking, much greater

---

"[illegible], ou les Sultans de Borneo ou de Brunei". Contracts with native tribes which [illegible] did not constitute real states constituted chiefly the origin of the territorial domain of the "Association Internationale du Congo" whose sovereignty was acknowledged by some hundred treaties with native chiefs. See [illegible] in "Der Kongo-Freistaat und das Internationale Recht", [illegible]. Also [illegible] in "[illegible]" [illegible] clearly [illegible] the validity of the title acquired by cession by native chiefs. He explains that what the [illegible] acquired by the cession by the native chiefs was in his opinion not sovereignty in the sense of the rights that happened to be exercised by these chiefs, but such sovereignty as might be exercised by any State generally.

¹) Mentioned in the United States memorandum, p. 105, note 1.

²) Italics not in original.

than that enjoyed at this moment by any native prince in the Netherland archipelago, there is similarity in the general development of the political relationship existing between the European and the native element, more especially in the absolute exclusion of autonomy of the native states with regard to foreign relations.

13. It would be a misconception to think of these native princes and states as of vagrant powerless savages. On the contrary many of them were powerful states. The dominions of the Sultan of Ternate for instance, at one time extended over the whole of the Moluccas, part of Celebes and of Mindanao; on several occasions he successfully withstood the colonizing European powers [1]. The conventions concluded with the native princes have had a different character in different epochs and at different places. In the beginning, when commerce was the main object of the European powers like England and the Netherlands, these conventions were in most cases treaties of friendship, whereby the European power assured himself of the monopoly of some trade. The native power then remained independent and outside the jurisdiction of the colonizing power. Later on, conventions of friendship and mutual help were concluded with a clause by virtue of which intercourse with any other power than the European party to those conventions was excluded. The relation was in many ways like that now called protectorate. Internationally, the native State had lost its independence. A step further was taken when in these conventions the native state was declared to be part of Netherland territory. The process often went further. Often the internal administration of the native state was also brought under European supervision. And in some cases the territory of the native state was formally annexed by the European power and became part of the directly governed territory. It is owing to this, that some parts of the Netherland-Indies are directly under the Netherland-Indian Government, while other portions of the territory are left under their own local heads as native states (zelfbesturende landschappen) with a certain degree of autonomy, everywhere under the supremacy and sovereignty of the Netherlands. On account of the internal autonomy enjoyed to a considerable degree by many of these native states, the term suzerainty has often been applied to these relationships. In our own time, however, this suzerainty (which from the beginning always has excluded foreign intercourse) has mostly given place in the Netherland East-Indies to genuine sovereignty. The native chiefs formally recognise that their territory is part of the territory of the Netherland-Indies territory.

14. It may be considered to be a question of juridical theory, to determine which expression: suzerainty or sovereignty is best suited to characterise at a certain phase of history the supremacy of the sovereign power over a native state, with which a relationship of the nature just referred to exists. The main point which is important for the present explanation is, that, whatever is the name given to the existing relationship, that relationship is an internal matter existing within the Netherland-Indian Commonwealth; to all outward purposes and in the intercourse with foreign governments the Netherlands are the only person in international law and the native state is subordinate to them; in all international respects the Netherlands are the sovereign; the citizens of the native state are Netherland subjects; the territory of the native state is Netherland-Indian territory, as is clearly expressed in all the newer political contracts. The native princes are under the promise of fealty, obedience and submission to the Government of the Netherland-Indies. They recognize the Queen of the Netherlands as their lawful overlord ("opperheer", "oppergebiedster"). They are completely incorporated in the "Netherland-Indies".

The expression "suzerainty", if taken in its feudal sense [2], of course does not exactly cover modern conditions. It should, moreover, not be forgotten that the relations between the Netherland-Indian Government and the native states are *sui generis*, just like the relations of more or less analogous character elsewhere. There is no juridical vocabulary for all these relations; therefore the expressions used are often only approximations, borrowed from the history of European public law and political structure. The term "suzerainty" may however not be considered to be appropriate nowadays for native states which, as in the case of the native states of the Netherland-Indies, form a part of the territory thereof. In its international aspect and in order to characterise the supremacy over territory as opposed to what is territory of another power, the term sovereignty seems the most appropriate (see United States-memorandum, p. 55).

---

[1] Portugal in 1878.

[2] See Eugène Ortolan „Des moyens d'acquérir le Domaine International", Paris 1851, section 49, page [illegible]

15. With regard to the contents of the conventions with native states a great variety was to be found in former times. In the course of history, various stages of development of these formally contractual relations co-existed simultaneously. An insurrection in one part of the archipelago might give rise to annexation or conquest. The development in one region has been quicker than in another area. The treaties with Ternate, which in their first stage were simple commercial agreements, quickly developed into a relationship wherein the Netherland East-India Company was recognized as the actual ruler. Sometimes the form was adopted of a feudal fief. The native prince gave his territory to the Netherland Company, but got it back as a fief under the Company's supremacy. It often is recognized in the first article of the convention that the territory of the native state is territory of the Netherland-Indies. A very able and concise treatment of this aspect of the development of these institutions is to be found in the "Encyclopaedie van Ned.-Indië".

16. In the British possessions on the continent of Asia, the internal independence of many native states is being maintained even to this day, although of course there also the native states have no international standing. For the development in the British possessions see the excellent book of LEE WARNER "The native states of India"; "Les "protectorats de l'Inde Britannique, Rapport préliminaire", par M. J. CHAILLEY-BERT, Institut colonial international, compte-rendu de la session tenue à Bruxelles en 1899, Bibliothèque coloniale internationale, p. 363, and especially pp. 416 and foll.. See also "A treatise of "International Law", HALL, 8th ed., note on p. 28.

Information concerning the status of the native states "zelfbesturende landschappen" in the Netherland-Indies is to be found in VAN ASBECK, "Onderzoek naar den juridischen "wereldbouw", Amsterdam, 1916, pp. 38—71. KLEINTJES, "Staatsinstellingen van Nederlandsch-"Indië"; 4th edition, 1923, Vol. I, pp. 40—54. [illegible] in the reports of the meetings of the Indian Association of April 7th, 1918, pp. 301 and foll.. "Encyclopaedie van Ned.-Indië" sub voce "Contracten met zelfbesturende landschappen", Vol. I, p. 525, sub voce "zelf-"besturen (inlandsche)", Vol. IV. pp. 828 and foll., and sub voce "grondgebied", Vol. I, p. 885. It is only natural that a comprehensive discussion and estimate of conventions with native states in the colonies, cannot be expected in treatises on international law, the matter belonging mainly to the domain of colonial history and administration, the native states having no international status.

17. The development of the conventions with native states can be easily realised by the perusal of the different Annexes of the first Netherland memorandum.

18. The conventions between the East-India Company and Ternate from 1607 onward, which before 1648 were of a character more primitive than that of Annex 6. of the first Netherland memorandum, are to be found in the "Corpus Diplomaticum" by Prof. HEERES (Bijdragen tot de Taal-, Land- en Volkenkunde van Ned.-Indië, Volume LVII, The Hague 1907). It will be remembered that Tabocan, which country came in 1677 into a separate relationship with the Netherland East-India Company was before that date under the rule of Ternate, so that before that time the conventions concluded between the Company and Ternate were to be deemed to apply to Tabukan and Taruna.

19. Now examining the convention of 1677, attention is invited to the stipulations (apart from art. 9 which concerns commercial interests) which establish the status of the native state as a part of the territory of the Netherland Company (The terms Netherland Company and Netherland-Indies Government are being used in this memorandum promiscuously, the character of the East-India Company as the competent treaty making power and the competent agent of the Netherland Government having been shown in section 1 of this Annex and in section 12, note 2 of the first Netherland memorandum.

According to article 1 it was returned as a fief to the King and Grandees of Taboecan. Art. 2 and 3 make the succession to the throne subject to approval by Netherland authority. Art. 4 stipulates the same in respect of the officials. Art. 5 and 6 are to be explained by the religious differences and the hatred of the Roman Catholic religion. Art. 7, 8 and 10 were inserted to prevent foreign interference. Art. 10 concerns the international status of Taboecan. The King can no longer make war or peace without the permission of the Company. Art. 11 contains the obligations to submit differences between the allied native states, or, within one of them, between the King and his Grandees, to the Netherland governor.

The stipulations of the convention of 1677 were amplified in the conventions of 1697, 1720, 1758 and 1782 [1].

20. The real meaning of the conventions and the degree of allegiance of the native princes to Netherland authority must be understood in the light of the actual situation. The Dutch actually settled at the chief places of the native states with whom conventions were concluded. The local centre of the whole of the northern Moluccas was the Governor's seat at Ternate, where there resided a delegation from the Governor-general, at Batavia where a fort was built and garrisoned [2], and where there was a continuous contact with the centre of the East-India Company at Batavia. Between this local centre at Ternate and the different principal islands of the Moluccas, Talaud- and Sangihe-groups there was a continuous correspondence and repeated visits of inspection. At Taboecan a permanent garrison was established (Appendix J.). The reports of the East-India Company show throughout the 17th and 18th century the activity of the East-India Company in these regions. In the first Netherland memorandum an example was already given of the task of the company to settle differences between the local chiefs (Appendix O. of the first Netherland memorandum). One more example is given in the Appendix H. to the present memorandum.

21. In 1828 (see Appendix V. of the first Netherland memorandum), a new formula was introduced to characterize the submission to the Netherland-Indian Government, all former contracts remaining in force. The princes promise submission and obedience to the Government. The King of Taboecan is forbidden to enter into any agreement or compact with foreign powers. The Netherland Government undertakes the defence of the Kingdom and to favour its well-being. An element of control of the internal administration appears here.

22. The convention with Taroena of 1885 (see first Netherland memorandum, Appendix W.) contains the formula, thenceforth always found in contracts with native states, that the native state belongs to the territory of the Netherland East-Indies, and that the King and Grandees recognize the King of the Netherlands, represented by the Governor-General, as their lawful sovereign („opperheer"). Art 4 in the most explicit terms repeats and amplifies the same prohibition to entertain any foreign relations whatever. The territory of the native state is fixed by art. 2.

Art. 9 expressly stipulates the right of the Netherland-Indian Government to appoint European or native officials.

Art. 11 contains the obligation on the part of the King and Grandees to rule with justice, to favour the well-being of the people etc. All interference with free traffic is forbidden.

---

[1] It is rightly stated in the case on behalf of the Government of Her Britannic Majesty in the British Guyana-Venezuelan boundary arbitration (page 139): "Where, as was usually the case with the "early European colonies, the colonising Government enforced a claim to dispose of an exclusive right of "trading within any specific area surrounding its settlements, that area was undoubtedly effectively "controlled, and its resources in their then state of development were effectively appropriated by that "Government.

"Again, where the Government of a settlement acquires the exclusive ascendancy over, and alliance "with surrounding tribes, and by that means excludes foreign influence from the territory which they "inhabit, that territory is effectively occupied as against the colonising enterprise of any other country".

[2] Heeres III, page 277. Letter of Governor-general Cornelis v. d. Lijn to "Bewindhebbers" of the East-India Company, 31 Dec. 1648. "Compagnie's forten in Molucco bleven 19 Augusto met 640 Neder-"landsche soppen beset, ende opt schip "Fredrica Hendrica", de jachten "Arnemuyde" ende "[illegible]" [illegible] "[illegible] 't samen 684 mannen".

Art. 12 reserves for the Netherland-Indian Government the right to regulate the admission of Chinese and other orientals.

Art. 13 limits the freedom of the Radja to give out ground for agricultural or mining purposes.

Art. 14 and 15 regulate the taxing power of the native government.

Art. 17 expressly makes Netherland coin legal tender.

Art. 18 expressly excepts persons who are not natives of that state from the native jurisdiction, and places them under the direct rule of the Resident of Manado or his local representative.

Art. 19 gives a rule for the local police.

Art. 20, while limiting the jurisdiction of the King to the native population, expressly places strangers under the jurisdiction of the Netherland Government.

Art. 21 regulates the jurisdiction over the natives, also for penal cases. The grave offences are reserved for the Netherland courts.

Art. 22, 23, 24, 25, 26, 27 and 28 contain further stipulations for the better government of the people by their native authorities.

23. The convention of 1899 (see first Netherland memorandum, Appendix Y.) is a further step in the same line of development. The obligations of the Radja with regard to the well-being of his people are further elaborated.

24. Not only in the Netherland-Indies, but in the British-Indian Empire as well, the nature of the sovereignty or suzerainty of the paramount power is intimately interwoven with the development shown by and incorporated in these conventions. While in the first stage of intercourse under these conventions the native states had not completely lost their independent status, this was afterwards the case: and although the degree of internal autonomy varies widely in the different states, the external sovereignty exclusively rests with the Netherland-Indian (British-Indian) Government.

25. Whatever may have been the original character of the relationship between the East-India Company and the native states, the latter gradually (and in the case of Taboecan this stage had been reached already in 1677) completely had lost their independence. Nowadays they are incorporated in the dominion of the Netherland-Indies, although being left in possession of a certain degree of internal autonomy.

Prof. van Asbeck in his "Onderzoek naar den juridischen wereldbouw" (Amsterdam, 1916), p. 38, describes this development in the following words: "Ook het zelfbesturende landschap
"van later tijd is in ons Indië in den loop der eeuwen geheel van karakter veranderd,
"zoowel ten opzichte van het moederland zelf als tegenover andere mogendheden. Tegenover
"deze laatste verkeerde het eerst in denzelfden rechtstoestand als tegenover ons; een
"zelfstandig, onafhankelijk gebied met eigen rechten en plichten. Daarna, bij het groeien
"van ons machtsoverwicht in den Archipel, daalde de inlandsche vorsten af tot den rang
"van eenzijdig afhankelijke beschermelingen van de Indische Regeering, aan welke be-
"schermelingen de aanraking met andere dan inlandsche rijken werd verboden. Nu is hun
"land nog slechts een op geheel bijzondere manier gedecentraliseerd Indisch gebied".

Annex 123

FOREIGN OFFICE MEMORANDUM ENTITLED *BOUNDARY BETWEEN BRITISH NORTH BORNEO AND THE PHILIPPINES*, WITH MAP, DATED JULY 1927

MEMORANDUM

Confidential

Boundary between British North Borneo and the Philippines.

The question of the above boundary having recently been raised in two connections - the taking over by U.S.A. of various small islands lying off the coast of British North Borneo and the wish expressed by that Power to extend their survey of the Philippines into British territory - the following summary of the essential facts in connection with it has been prepared.

INTRODUCTION.

It should first be pointed out that the boundary in question has never been definitely de-limited: its position has to be arrived at by inference.

Broadly speaking, the mainland of British North Borneo and a certain number of islands are British, and any territory which cannot be shown to be British is definitely American. If, therefore, it can be ascertained to what islands Britain has a good claim, the boundary can be laid down to pass between them and their neighbours. In many cases, however, the ownership of the islands is disputable owing to the doubt attaching to the interpretation of the grant under which British North Borneo came into existence.

The British rights in this territory are based on the fact that this country has taken under its protection the British North Borneo Co. (a chartered company, established in 1881) which holds a perpetual lease of the territory, granted by the Sultan of Sulu.

The American rights are derived from the fact that as the result of the Spanish-American war of 1898, and the subsequent Treaty of 10.12.1898, Spain ceded to the U.S.A. all her territorial rights in the Philippines.

HISTORICAL SUMMARY.

The following is a short summary of the facts in

connection.....

connection with the British and American claims.

British Claim.

In 1838, which is a convenient starting date, Great Britain had no territorial possessions in Borneo, although attempts at establishing settlements in the Northern part of the island had been made, and abandoned, many years previously.

In 1841 Sir James ("Rajah") Brooke obtained a grant of Sarawak from the Sultan of Brunei (which adjoins it.) The Sultan also agreed, in 1847, to make no further cession of his territory to any nation or person without the consent of Great Britain.

In 1878 the Sultan of Sulu, who had long been regarded as Overlord of the N.E. part of Borneo, ceded his territorial rights there to a British Company, which, under the name of the Labuan Trading Co. had established itself at Sandakan in 1872. (The rights granted will be detailed later).

In 1881 the British North Borneo Co. was formed under Royal Charter, and took over (after some diplomatic protests by the Dutch and Spanish Governments) all sovereign and territorial rights ceded under the original grant to the Labuan Trading Co.

In 1888 the Company's territory was made a British protectorate under the title of "The State of North Borneo". The Company, however, continued to exercise administrative rights, apparently having, vis a vis the Home Government, much the same status as that formerly possessed, in India, by the East India Co.

In 1891, the Southern boundary of British North Borneo was settled by treaty with the Dutch, while in 1898, the S.W.part of the State was rounded-off by the cession to North Borneo, by the Sultan of Brunei, of his territories north of the Padas River. The boundaries of North Borneo as regards the mainland of Borneo then assumed their present locations. (The Southern boundary is shown on attached chart-cuttings)

The Spanish.......

The Spanish (now U.S.) claim

Spain, which had owned the Philippines ever since 1565, made a treaty (23.9.1836) with the Sultan of Sulu, defining the extent of Spanish sovereignty in the islands. By this it was provided that Spanish jurisdiction over Sulu extended from the Western part of Mindanao to Borneo and Palawan, but Sandakan and the other territories tributary to the Sultan on the coast of Borneo were excepted from this.

By a convention (19.4.1851.) Sulu and its dependencies were incorporated with the crown of Spain.

After the formation of the British North Borneo Co. in 1881, when, as already stated, a diplomatic protest was lodged by the Spanish Government, Spain eventually consented to recognise the Company's rights in North Borneo, provided that in return her own rights were recognised in Sulu. Accordingly, by a Protocol signed at Madrid, 7.3.1885, Great Britain and Germany recognised the sovereignty of Spain over the Sulu Archipelago as defined in the 1836 Treaty (see above), comprising all the islands (including Balabac and Cagayan Sulu), between the W. extremity of Mindanao on the one side and Borneo and Palawan on the other (i.e. all islands in the Sulu Sea). By the same instrument, Spain renounced, in favour of Great Britain, all claims of sovereignty over the territories on the mainland of Borneo formerly belonging to the Sultan of Sulu, including the islands of Balambangan, Banguey and Malawalli (by name) as well as those lying within a zone of 3 miles from the Borneo coast.

As the exact wording of this part of the Protocol is of importance, the original text is subjoined.

"Article III.

Le Gouvernement Espagnol renonce, vis-à-vis du Gouvernement Britannique, à toute prétension de souveraineté sur les

x territoires du continent de Borneo qui appartiennent, ou qui........

qui ont appartenu dans le passé au Sultan de Sulu (Jolo) y comprises les îles voisines de Balambangan, Banguey et Malawali, ainsi que toutes celles comprises dans une zone de 3 lieues maritimes le long des côtes, et qui font partie des territoires administrés par la Compagnie dite "British North Borneo Company"."

Spain, therefore, formally relinquished in 1885 any claim which she might, as overlord of the Sultan of Sulu, have previously had to Sulu territory in Borneo and within 9 miles* of the coast thereof. On the other hand, her sovereignty over the Sulu Archipelago - i.e. over all islands outside the 9 mile limit (except the three specified in the Protocol - Balambangan, Banguey and Malawallie) was recognised by both this country and Germany.

After the Spanish-American War, Spain, by the treaty of 1898, relinquished all her possessions in the Philippines to U.S.A.

LATER HISTORY OF THE BOUNDARY QUESTION, 1900 - 1922.

The U.S. Authorities in the Philippines were not long in discovering that the British North Borneo Company had, in respect of the various small islands lying off the N.E.coast, slightly exceeded the limits and powers conferred by their grant. Some of the islands lie less than 9 miles from the mainland; others do not - but, as all were alleged to be used occasionally as bases for pirate craft, all had been cleared out by the Company and subsequently administered by them. This extension of the Company's legitimate jurisdiction does not appear to have been challenged by Spain; but it evoked protests from the U.S. and led to a visit being paid by the U.S.S. "Quiros" in 1903 to certain of the islands - Taganak, Great Bakkungaan, Lihiman, Bo-ha-ang and Lankayan........

---

* The Spanish "Marine league" ("lieue maritime") has always been accepted as 1/20 of a degree, or three nautical miles.

Lankayan – on each side of which she hoisted the Stars and Stripes and erected a tablet stating that they were U.S. possessions. Of these five claims, only one – that to Great Bakkungan – could have been contested with any prospect of success, and even in that case our title was a doubtful one, since part of the island lies inside the 9 mile limit and part outside.

As the result of diplomatic representations, a provisional agreement between the Company and the U.S. authorities was concluded in 1907, by which the latter temporarily waived their rights to all islands situated southwards and westwards of the line X-Y shown on chart-cutting A. It was stipulated that this agreement was without prejudice to a final delimitation of the boundary, and that it would be terminated at a year's notice by either party.

As the result of this agreement, the Company was enabled to continue its administration of all the off-lying islands then in dispute (and actually, of several which were undoubtedly U.S. possessions).

Until 1922, no further developments sufficiently interesting to be brought to the notice of the Home Government appear to have occurred. During that period, however, the internal affairs of the U.S. administration of the Philippines are of interest.

STATUS OF THE PHILIPPINES.

When, as the result of the Spanish-American Treaty of 1898, the Philippines passed to the U.S., it was the declared intention of that Power to grant autonomy to their new subjects "as soon as a stable Government could be established". (See the "Jones Law", passed by Congress 29.8.16.)

In the interim, wide powers of domestic legislation were granted to the Filipinos, and it was stated, in 1922, that outside the Governor-General's Office hardly any Americans now remained in executive positions.

Governor-General Harrison reported in 1920 that the........

the Filipinos had duly established a stable Government, and recommended that they should be given independence.

In 1921 a special mission was sent by the U.S. Government to investigate, and reported that the Filipinos were not yet fit for independence.

The Filipinos in 1922 sent a special mission to the U.S. and stated their case to the President. The latter, in his reply, disavowed any intention on the part of the U.S. to go back on their words but, while remarking on the progress made by the Filipinos, and the advantage of their association with Americans, he said that the time was not yet ripe for granting them independence; and up to the present (1927) this matter has since remained in statu quo.

From the evidence afforded by the reports of H.M. Consul-General, Manila, it appears probable that nine-tenths of such friction as has arisen between the U.S. Authorities in the Philippines and Officials of the British North Borneo Company has its origin in the jealous susceptibilities and ambitions of the Filipinos.

RECENT DEVELOPMENTS. (1922-1927)

In 1922, (July 8th) the British Consul-General at Manila reported that the Annual Report of the Philippine Collector of Customs for 1921 would contain a recommendation that the Company should be asked to re-cede to the Philippines the administration of Bagnan I. (6° 6' N., 118° 27½' E.) on the ground that it was necessary as a base for Customs operations in connection with the suppression of opium smuggling and the clandestine entry of aliens into the Philippines.

The Manila Press had, on various previous occasions, urged that both this island and Taganak (Lat. 6° 05' N. Long. 118° 19'E.) should be taken over by the Philippines.

In the course of correspondence with Colonial Office (N.01304/22) the Company stated that they attached no importance to Bagnan (although they attached great importance to Taganak) but they........

They considered it should be clearly understood by the U.S.A. Government that if they occupied Taganak they would have to observe "the limit of our territorial waters, namely 9 miles".[x] They alleged that opium smuggling had, already, been practically stopped.

The U.S. Government next appear, in a Note of 28.4.22 (supplementary to one of 29.1.22), to have pressed for the surrender to their administration of the following seven islands :- Boaan, Lihiman, Langaan, Great Bakkungaan, Little Bakkungaan, Taganak and Baguan, (i.e. what are known locally as the Turtle Is. group.)

Correspondence between the Company, the Colonial Office and the Admiralty showed that while the Company were not anxious to surrender any of the islands, and particularly desirous of retaining Taganak, there were no real grounds on which we could base a formal diplomatic refusal to surrender any of them except Little Bakkungaan, which undoubtedly lies within 9 miles of the Borneo mainland, and Great Bakkungaan, through which the limit actually passes. A tracing showing the position of the limit, with other information, was prepared by this Department and a copy is attached (B).

While the matter was under discussion, the Consul-General at Manila reported (1.12.1922) that the Philippine House of Representatives was preparing to discuss the return of North Borneo to the Philippines. Apparently an impression had gained ground in some Filipino quarters that the Sultan of Sulu's grant of that territory to the Company was for fifty years only, and would, therefore, expire in 1928. As the Philippines, if independent, would, it was thought, be the most advanced of all the Malay countries, and the possible leaders of a future Malayan Confederation, the idea of extending Philippine territory by obtaining part of Borneo made a strong appeal. It was, however, clearly demonstrated in a memorandum drawn up by Foreign Office that (a).......

---

[x] This mis-statement was pointed out by C.O. and admitted by the Company.

(a) The grant of North Borneo by the Sultan of Sulu to the Company was not for fifty, or any other term of years, but in perpetuity.

(b) That Spain in 1885 had deliberately and explicitly relinquished any claim she might previously have had to Sulu territory in Borneo. Therefore, she had no such claim in 1899 and could not have transferred any to the U.S.A.

The Consul-General at Manila (10.12.22) proposed, if the matter came up for discussion in the Philippine House of Representatives, to draw the Governor-General's attention to the fact that the Company's lease of British North Borneo was perpetual, and that it was a British Protectorate - but the matter appears to have been dropped.

As regards the ownership of the off-lying islands, the Company, having found that the British Government considered that they had no ground for contesting the U.S. claim, decided to press merely for the right to maintain the light on Taganak after it passed to U.S. ownership, and offered, in return for this concession, to raise no objection to the U.S. obtaining possession of the two doubtful islands - Little Bakkungaan and Great Bakkungaan. An offer on these terms was made to the U.S. through Foreign Office - but at present (May 1927) no definite reply to it has yet been received from the U.S. Department of State.

EXTENSION OF U.S. PHILIPPINES SURVEY TO N. BORNEO.

This question was first raised in a note from the U.S. Ambassador to Foreign Office (9.12.26, W.126/27) stating that the U.S. Survey in the Philippines had extended southward almost to the limits of the Sulu Archipelago and Palawan Is. As it would be desirable that the charts produced from the survey's work should cover both sides of the channels and passages separating U.S. possessions from N. Borneo, he enquired whether His Majesty's Government would allow the U.S. survey vessels to extend their work

far.......

far enough into British waters to "effect a satisfactory junction with the British surveys of North Borneo".

Foreign Office transmitted this request to Colonial Office and the latter to the Company, who replied (11.1.27) that they had no objection, and that the Governor of North Borneo would be instructed, by the next mail, to give the requisite facilities to the U.S. survey vessels.

Colonial Office sent this reply, as an "enquiry" to the Admiralty who replied (28.1.27) that they considered it would be a great mistake to grant the Commander's request, both because it was undesirable, in principle, to have foreign vessels surveying in British waters, and because the presence and activities of U.S. surveying vessels in the region in question would have a damaging effect on our prestige in the eyes of the natives. They proposed that H.M.S. "Herald" should be detailed to connect up British North Borneo with the U.S. surveys, both in Balabac Strait and at the S.E. end of the Sulu Archipelago. (M.[illegible]/27).

Colonial Office accepted these views and informed the Company (who thereupon cancelled their former instructions to the Governor) and Foreign Office accordingly.

PRESENT STATE OF THE QUESTION

So far as the negotiations between the Company and the U.S. Government have gone, it seems most likely that the latter will agree to grant the required facilities for the Taganak Lighthouse, and will, in return, occupy and/or administer the whole of the Turtle Is. group. If this settlement is arrived at, the only factor which may cause further present friction appears to be the connection of the British and United States surveys. This will, therefore, be briefly discussed. The areas involved embrace practically all the points at which disputes over ownership are likely to arrive; the remainder will be noted subsequently.

The two localities in which the surveys require connection are Balabac Strait and the S.E. end of the Sulu

Archipelago.....

Archipelago - shown respectively on chart-cuttings C & D.

BOUNDARY IN BALABAC STRAIT. (Chart-cutting B.)

As regards the boundary in Balabac Strait, under the Madrid Protocol of 1885, Balabac on the North side is unquestionably American, and Balambangan, Banguey and Malleawalle, on the South side, British. Ragayan Gulu and the islands northward of it are also definitely American. (See tracing B.)

The ownership of the smaller islets and reefs depends upon the construction put upon the terms of that Protocol.

The Admiralty, in a letter of 2.8.23 to Colonial Office (H.0503/23) expressed the opinion that the 9 mile zone must be drawn from the mainland only and not from the coast-line of islands lying close to it. This is obvious, since one would otherwise be arguing in a circle - applying the 9 mile zone once to get the ownership of a "contiguous" island and then applying it again to get the ownership of another island outside the first zone. A similar fallacy underlies any attempt to determine the ownership of off-lying islands by the repeated application of the 3 mile rule.

On the other hand, it may be argued that comparatively large islands divided from the mainland only by narrow channels, such as Simandial and Bum-Bum do, in effect form part of the coast-line they adjoin, and that the 9 mile zone was intended merely to classify the smaller islands appreciably remote from the coasts; on which grounds it would be legitimate to treat the coast of the larger and closely contiguous islands as part of the mainland for the purpose of drawing the 9 mile zone.

A further doubtful point arises when one island lies definitely within the 9 mile zone (and is hence British) and another outside that zone but less than 3 miles from the former. Under a strict construction of the Madrid Protocol such second island should, it is thought, be regarded as American, even though it appears to lie within the territorial waters of the first.

The.........

the actual line of territorial waters should be taken as running, in such a case, midway between the two islands.

On the other hand a strict application of this principle reduces it, in some cases, to an absurdity. Thus, in the case of Banguey, there are a number of small islets lying quite close to it, and, geographically, forming part of it, which are outside the 3 mile zone from the mainland. It would seem reasonable, in such a case, for this country to claim at least all dependent islets lying within a 3 mile limit drawn from the coast of Banguey. Moreover, it could quite arguably be maintained that the word "coasts" in Art. III of the Madrid Protocol (see p. 4, line 10, above) must be understood as applying not only to the mainland of N. Borneo, but also to the three islands mentioned by name, and that consequently the 9 mile zone in the vicinity of Balabac Strait should be drawn from these islands.

A minor point of interest in connection with the drawing of that zone is that the Protocol does not specify whether it should be measured from H.W. or L.W. mark. The 3 mile limit, of course, is drawn from L.W. mark, and it would seem best to assimilate the drawing of the 9 mile zone to this practice.

A reasonable division between the Philippines and North Borneo in Balabac Strait appears to be the Middle Channel, and by adopting this as a working rule, it is thought that substantial justice would be done to both parties. This solution would not, however, determine the ownership of the small islets eastward of Banguey, Mallewalle and [illegible], but these are of little practical value, and would presumably not require to be utilised for a connecting survey across the Strait.

S.W. END OF THE SULU ARCHIPELAGO. (Chart-cutting B.)

In this locality the mainland is British, and the Tawi-Tawi-group*, Sibutu and Pearl Bank* unquestionably American.

The......

---

* Outside limits of chart-cutting.

The only doubtful region is the Alice Channel. As will be seen from the chart-cutting, under a strict application of the Madrid Protocol, such islands as Mantabuan, Pom, Bohaian and the Ligitan Group would fall to America, while if such "contiguous" islands as Dum-Dum are accepted as the base of the 9 mile zone, the boundary would be extended eastward to include Pom within British territory, while such islands as Bohaian and the Ligitan group would be of doubtful ownership (as Pulo Gaia would be in the previous case), the boundary of the 9 mile zone passing through them.

Geographically, the islets and reef off Dum-Dum are part of the mainland, as those E. of Sibutu are dependent portions of that island. The common-sense view of the boundary, it is considered, would be to assume, as in the temporary Agreement of 1907, that it runs North and South along 119° E. through the Alice Channel.

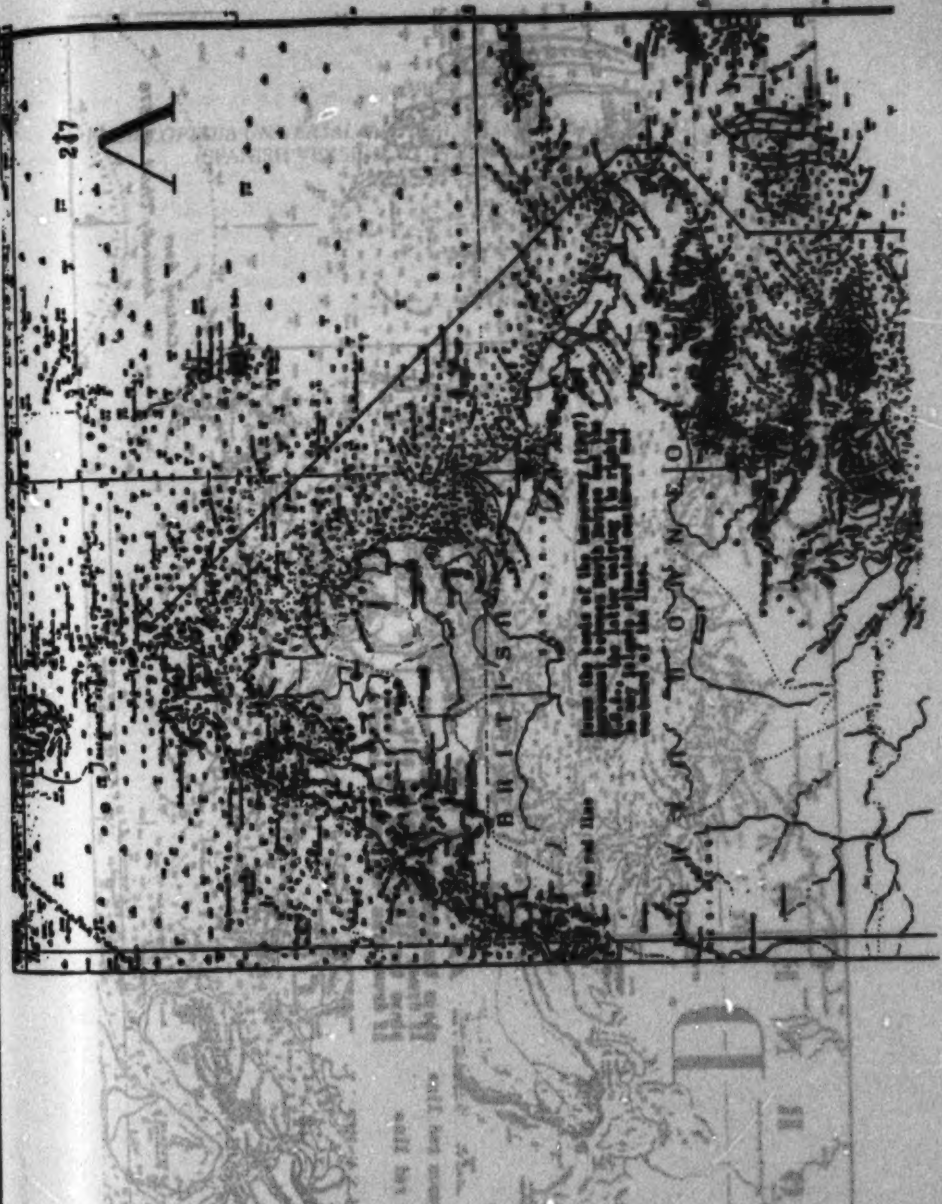
BOUNDARY N.BORNEO.

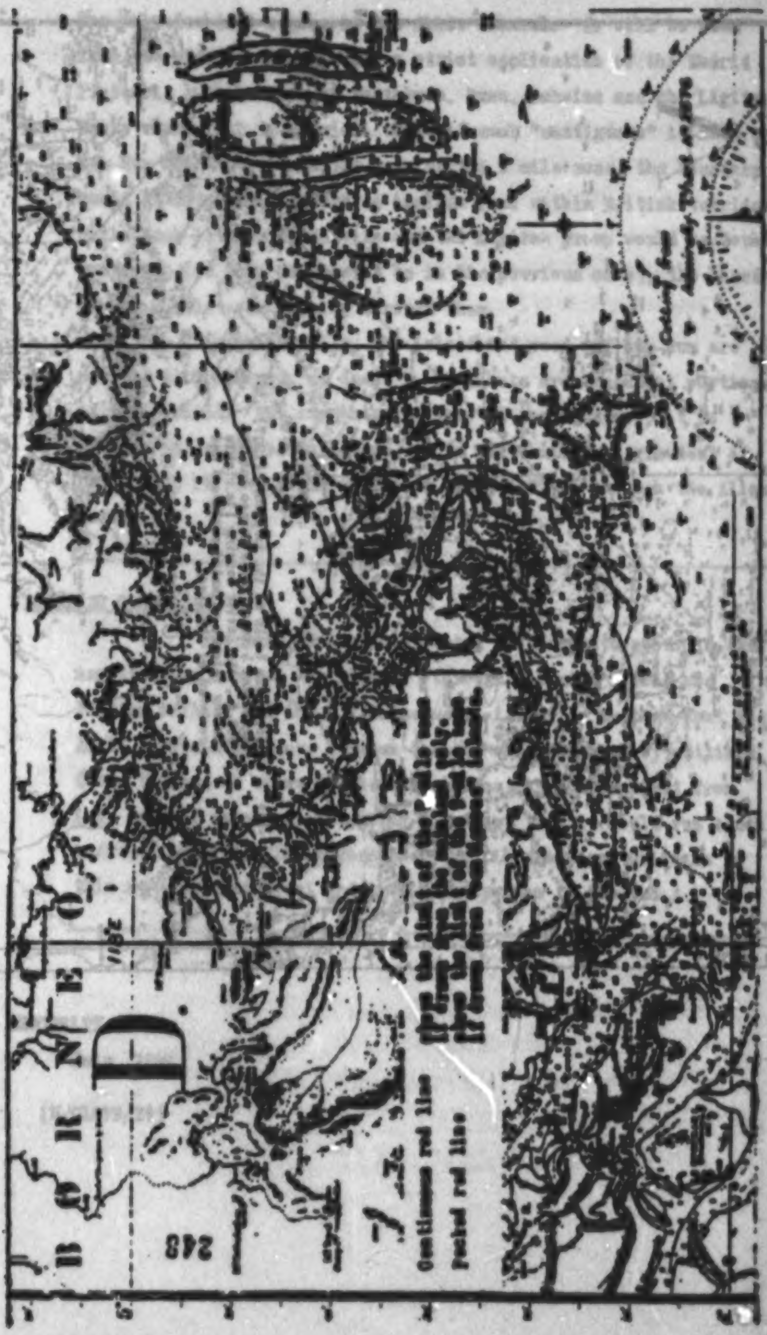
Assuming that no unexpected developments occur in the negotiations between the Company (through Colonial Office and Foreign Office) and the U.S.Government, it may be assumed that the Anglo-American boundary between the two areas covered by cuttings C and D, runs as shown by the line indicating 9 mile limit from L.W. mark of mainland on tracing D, except that it would run south and west of Little Bakkungaan, leaving Silingaan and Gulisaan to this country, and Great and Little Bakkungaan to the U.S.A.

ADMIRALTY.

July, 1927.

(M.02579/27)


A
217
BRITISH
BORNEO


B O R N E O
D.
248
118°E
5°
Continuous red line
Pecked red line
shows the limit of the [illegible] zone if drawn from the mainland only.
shows the limit of the [illegible] zone if drawn from "contiguous" islands.
Cutting from Admiralty Chart No 2576

Annex 124

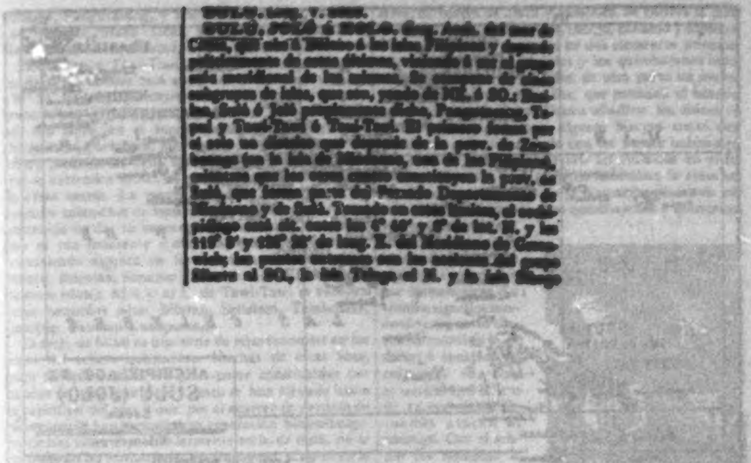
ENCICLOPEDIA UNIVERSAL ILUSTRADA ESPASA, MADRID, 1927, PP. 794-795 (SPANISH VERSION WITH ENGLISH TRANSLATION)

TRANSLATION

Enciclopedia Universal Ilustrada Espasa, ed. Espasa-Calpe, Madrid, 1927

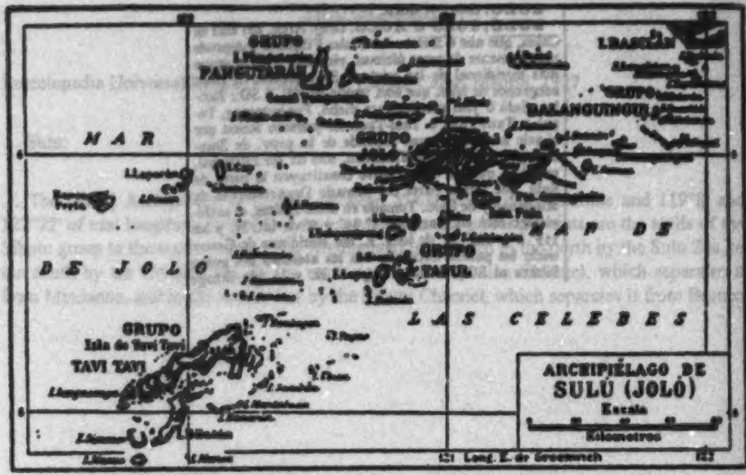
... Sulu:

... The [Sulu] Archipelago is situated between 4°40' and 8° north latitude and 119°8' and 122°22' of east longitude east of Greenwich Meridian; the extreme points are the atolls of the Sibutu group to the south-west ... The Archipelago is bounded in the north by the Sulu Sea, to the south by the Celebes Sea, to the north-east by the Basilan Channel, which separates it from Mindanao, and to the south-west by the Sibutu Channel, which separates it from Borneo ...



[illegible]

SULU, JOLÓ ó HOLO. Geog. Arch. del mar de China, que une á Borneo á las islas Filipinas y depende políticamente de estas últimas, viniendo á ser el grupo más meridional de las mismas. Se compone de cinco subgrupos de islas, que son, yendo de NE. á SO.: Basilan, Joló ó Joló propiamente dicho, Pangutaran, Tapul y Tawi-Tawi ó Tawi-Tawi. El primero forma por sí solo un distrito que depende de la prov. de Zamboanga (en la isla de Mindanao, una de las Filipinas), mientras que los otros cuatro constituyen la prov. de Joló, que forma parte del Tercer Departamento de Mindanao y de Joló. Tomando en cuenta límites, el archipiélago está sit. entre los 4° 40' y 6° de lat. N. y los 119° 5' y 122° 20' de long. E. del Meridiano de Greenwich; los puntos extremos son los escollos del grupo Alicern al SO., la isla Tilingo al N. y la isla Sibago



al NE. El archipiélago está limitado al N. por el mar de Sulú, al S. por el mar de Célebes, al NE. por el estrecho de Basilan, que lo separa de Mindanao, y al SO. por el estrecho de Sibutu, que lo separa de Borneo. Su superficie total se calcula en 3,967 kms.², de los cuales unos 1,350 corresponden al grupo de Basilan y 2,500 á la prov. de Sulú. La población, si se añade la de las costas, se compone de unos 200,000 h., en su gran mayoría indígenas del interior, semiindependientes. Isabela es la capital del dist. de Basilan, y la pobl. de Sulú ó Joló (en otro tiempo Sugh) la capital de la provincia de Sulú. El número total de islas contadas se eleva á 394; pero muchas de ellas carecen de nombre y consisten en meros peñascos. Las islas mayores son de formación volcánica y se componen en general de montañas de 200 á 900 m. de altitud con algunos volcanes extinguidos. Los montes se hallan generalmente rodeados de una zona costera de depósitos coralíferos y muchas de las islas menores son por entero de formación madrepórica y muy bajas, aunque todas ellas se levantan en las cúspides de una cordillera submarina. He aquí la descripción particular de cada uno de los subgrupos que forman el archipiélago:

Basilan. Se compone de la gran isla de Basilan ó Isabela y de unas 50 pequeñas islas é islotes; depende directamente del gobernador de la prov. de Zamboanga. La isla Basilan está sit. á los 6° 30' de lat. N. y 122° de long. E. (centro de la isla) (V. BASILAN). Esta isla posee una cordillera de montañas basálticas cuya altura máxima parece que no pasa de los 500 m. y que constituye una arista central en sentido longitudinal, ó sea del E. al O.; el pico central es el Pico Alto (1,020 metros). Las dos vertientes descienden en pendientes regulares, constituyendo vastas llanuras, que terminan al borde del mar en lagunas cubiertas de manglar. Un número considerable de pequeñas islas bordean la costa; la mayor parte son de origen coralífero y hubieran quedado desde hace mucho tiempo unidas con la isla principal por el trabajo de los zoofitos, de no ser las corrientes de agua dulce, que en todos los puntos por donde llegan al mar detienen el desarrollo de estos animales. Numerosos ríos surcan Basilan y ofrecen al navegante un buen número de aguadas cómodas. El más conocido es el río que se echa en la bahía de Maluso. Éste puede remontarse unos 6 kms. por barcas de 1 metro de calado. El suelo es fértil y el clima permite el cultivo de la caña de azúcar, del algodonero y el cacao. Los cocoteros son notables por su abundancia y el árbol del pan es allí muy común. La isla produce también arroz, frutas y legumbres y se crían gran número de animales que se exportan á Mindanao. En el interior se encuentran grandes bosques de tek y otras especies de árboles empleados en carpintería. Se pescan en la costa muchas ostras perleras. En 1845, los franceses hicieron una expedición de guerra á Basilan para vengar el asesinato de unos marineros; fué entonces cuando los españoles, temiendo una ocupación, fundaron en la costa N. de la isla el fuerte Isabela, que gracias á su excelente puerto ha adquirido cierta importancia.

Sulú propiamente dicho. Este subgrupo está sit. al SO. del precedente. Se compone de la isla Sulú ó Sugh y de los islotes Tulian, Bankungan, Cujangan ó Kuhangan, Kapual, Batiran, Saang, Pata, Balanguingui, famosa guarida de piratas; Bolanan, una de las ensenadas que se conocen de más antiguo; Bucutua, etc. La isla Sulú es la más conocida de todas las tierras del archipiélago; parece está formada por dos macizos volcánicos que han sido unidos, poco á poco, por un istmo de coral. El relieve del suelo es muy accidentado; la cordillera que se eleva paralela al mar, á muy poca distancia de la costa NO., está dominada por los montes Tumatangas Tangkis ó Tumantangkis, Bud-Pulak (375 m.), un saliente enorme de 716 m. y el monte Dahu (863 m.). El suelo es fértil y la isla entera está cubierta de bosques y de prados de cogon (*Imperata arundinacea*), de cultivo de arroz, caña de azúcar, etc. Los antiguos viajeros pretendían que en Sulú se hallaban elefantes, pero el hecho no ha sido confirmado por los exploradores modernos.

Tapul. Se compone de 20 pequeñas islas, de las cuales las más importantes son: Kabingaan, Tapul (muy poblada, montañosa), Siasi (pesca del trepang y de carey, pico de 522 m.), Bulipongpong, Pandang-Pandangan, Sibiling y Karang China, Lapac, Lungaan y Dammay.

Pangutarang ó P. Tarang. Está formado por una isla bastante considerable (35 kms. de long.) y muy [illegible], Pangutaran, y por muchos islotes, [illegible], Ubian, Ubian Tawi, [illegible], [illegible], [illegible], [illegible], Unda y [illegible].

Tawi-Tawi ó Tawi-Tawi. La isla principal que le ha dado su nombre está sit. á los 5° 20' de lat. N. y 120° 14' de long. E. (extremidad NE.); es tan grande como la isla de Joló y muy montañosa. Se encuentran allí dos lagos, en el interior, [illegible] y Dungun. La población, muy escasa, vive de la pesca de escaso producto. La serie de islotes y costas muy bajas que se extienden al SO. es el mejor sitio para la pesca de estos seres. La mayor parte de estos islotes se cubren solamente de manglar, y sólo [illegible] se ha [illegible] de dar un [illegible] [illegible], alegando que es tan insalubre y [illegible], que [illegible] haber [illegible] algunos de los [illegible] sin [illegible]. Sibutu, [illegible], Simunul y Manuk son las principales de estas islas. Al N. y al E. de Tawi-Tawi se extienden otras pequeñas islas: [illegible], [illegible], Tandubas, Calupag, [illegible].

El arch. de Joló es una serie de islas formadas en los picos del relieve submarino. Muchas de estas islas, poco elevadas, están en gran parte constituidas por bancos de coral que poco á poco se han elevado hasta la superficie del mar y que, por el acarreo de detritus de toda especie, han formado una vegetación. Sin embargo, en ciertas islas, y particularmente en la de Joló, no se encuentran las formaciones madrepóricas, si no es en la ribera y en sus inmediaciones. El lecho de madréporas parece reposar en las arenas y su nivel superior se eleva á 2 m. poco más ó menos sobre las más altas mareas. La masa de la isla parece ser de estructura volcánica: profundas grietas, abiertas en las colinas á las cuales está adosada la población de Joló, [illegible] numerosos bloques de lava. Los bloques de la misma roca están dispersos por la playa, como por todos los senderos abiertos por la lluvia que conducen á los picos de la isla. Por todas partes, una espesa capa de humus oculta la estructura del terreno.

El clima es, en general, uniforme, caliente y húmedo. En la costa NO. de Joló y en Basilan se observan dos estaciones: una seca, de Noviembre á Marzo; otra húmeda, de Marzo á Noviembre. Durante la primera domina la monzón del NE., que en la segunda deja el paso libre á la monzón del SO. El termómetro oscila de ordinario entre 29 y 31°. Los vientos de la monzón húmeda del SO. traen consigo el brusco desarrollo de las fiebres. La variabilidad de la fiebre está, durante todo el año, en Joló por lo menos bajo la influencia de la obra de la marea. Cuando el reflujo coincide con la noche y las partes cenagosas de la ribera no reciben los rayos solares, los casos de fiebre son mucho menos numerosos. El clima de la isla de Basilan es el más á propósito para los europeos; las frecuentes lluvias hacen más soportables los calores.

La fauna del arch. de Joló pertenece á la región zoológica llamada indomalaya; sin embargo, presenta la particularidad de que las islas del E. ofrecen cierta analogía con la fauna de las Filipinas, mientras que las del O. tienen la misma fauna que Borneo. El límite de las dos regiones zoológicas se encuentra entre las islas [illegible] y Tawi-Tawi. Como animales domésticos, se crían en todas las grandes islas búfalos, cerdos, cabras y varias clases de aves de corral. La flora presenta las mismas particularidades que la fauna: en las islas del E. se aproxima á la flora de las Filipinas, mientras que el O. ofrece ciertas analogías con el mundo vegetal de Borneo. El límite de las dos regiones florales se encuentra, no obstante, un poco más al E. que el de las zonas zoológicas, particularmente entre Basilan y Joló. El suelo es fértil, sobre todo en las partes de las islas que deben su origen á la formación madrepórica. En los bosques del interior abundan los árboles [illegible] y [illegible], mientras que la costa está cubierta de cocoteros, de cañas de azúcar y bambúes. Se cultiva la caña de azúcar, arroz, café, cacao, tabaco, [illegible] y [illegible].

La población se compone de dos elementos principales: de una parte los [illegible], y los guimbajanos habitantes del interior de las islas; de otra parte los moros, mezcla de malayos y árabes, que pueblan el litoral y ocupan la costa. Deben añadirse los chinos en el O. del archipiélago y algunas tribus cuyos descendientes se han mezclado con los demás habitantes. Los [illegible] ó [illegible] están concentrados en el interior de Basilan, pero también habitaban la costa antes del siglo XVI, época de la ocupación de la isla por los moros de Mindanao. Los guimbajanos ó [illegible] viven principalmente en el interior de la isla de Joló y son algo más conocidos que los anteriores. Su nombre significa [illegible], y se lo dieron los moros de Mindanao á causa de su costumbre de tocar el tambor con objeto de excitar el ánimo cuando atacan al enemigo. Con el mismo fin mastican la raíz de una planta llamada [illegible]. Es una tribu guerrera, que durante mucho tiempo sostuvo la lucha contra los españoles y que en algunas ocasiones les causaron sangrientas derrotas. Sus armas son lanzas, broqueles y corazas de piel de búfalo. Se dedican á la cría de ganado bovino y [illegible] y también de caballos. El mayor núcleo de la población del archipiélago lo constituyen los moros ó malayos mahometanos. La isla de Joló ha sido siempre el centro político, religioso y comercial de todos los moros, que de allí se han trasladado al arch. de Paragua y á la isla de Mindanao. El tipo del malayo de Joló está fundido en proporciones muy desiguales por dos elementos distintos y opuestos: el indio ó malayo de las islas Filipinas y el árabe. Hasta estos últimos años los moros de Joló practicaban continuamente razzias en las costas de las demás Filipinas. Vendían una buena parte de sus cautivos, y solamente llevaban á Joló algunas mujeres destinadas al harén del sultán y de los datos, [illegible] de todos los caprichos. Con todo y presentar un estrecho parentesco con los indígenas de las Filipinas, los joloanos se distinguen de ellos por muchos rasgos. Son más robustos, y, comparados con las hembras, más pequeños. La inferioridad de la talla tiende á una menor proporción de sangre china, en cuanto los chinos [illegible] en Joló (que han penetrado hasta en los palacios), sino que se les ve en menor número que en Luzón, ya que aquí constituyen menos [illegible]. Los joloanos se distinguen, además, porque no tienen los pómulos tan salientes, su cara no es tan aplastada, la nariz menos chata, los ojos menos oblicuos, el color de su piel es, á menudo, más claro, etc. [illegible] desde los [illegible] el [illegible], todavía [illegible]. Los individuos de esta raza, en número insignificante, no hubieran dejado vestigio de su presencia si no hubiesen ocupado, la mayor parte de ellos, altos cargos y si los enlaces no hubieran sido tan frecuentes entre sus descendientes. Los que presentan rasgos más ó menos predominantes de esta sangre no son muy raros, pero á

Joló. — [illegible] de [illegible] joloanos que le es hallar alguno que reproduzca el tipo original con fidelidad. Todos los moros son fervientes musulmanes, pero no siguen las prescripciones del Corán siempre con exactitud; la influencia de la ley mahometana se traduce, sobre todo, por el odio que todo mahometano profesa á los infieles. Sin embargo, ciertas relaciones sociales, y sobre todo la jurisprudencia, están arregladas al Corán. La propiedad es individual; la poligamia está admitida, si bien una sola de las numerosas mujeres de los datos tiene la cualidad de esposa legítima. El matrimonio, precedido de un rapto simulado de la novia, se realiza ante el *pandita* (sacerdote). El divorcio se acuerda sobre la demanda de uno de los dos esposos. Salvo para el adúltero, al que se castiga con una mutilación afrentosa que lleva consigo la muerte, los condenados por crímenes ó por simples delitos son decapitados ó bien entregados á la multitud, que los destroza á golpes de *kriss*. Estas ejecuciones son verdaderas fiestas para la población ávida de sangre. Á pesar de sus instintos feroces, de su afición al robo y de su avidez en capturar esclavos, los sulumanes usan á su valor ciertas maneras caballerescas: tienen algunos miramientos con las mujeres libres y es bastante curioso observar que en Sulú las mujeres pueden vivir solas, sin que sus personas ni sus bienes estén expuestos á ningún peligro. La población está dividida en tres clases: los datos de toda categoría, príncipes y nobles, que nominalmente están sujetos al sultán de Sulú; los [illegible] ó hombres libres, literalmente «hombres fuertes», vasallos; y, por fin, los [illegible] ó esclavos. La mayor parte de los moros son hábiles navegantes y se aventuran en sus praos fuera de los límites del archipiélago, á menudo hasta Singapore. Juntan el comercio con la piratería, que no ha desaparecido del archipiélago hasta época bastante reciente. La moneda más corriente es el sapeque chino.

El régimen político de la sultanía de SULÚ no varió, por lo menos en teoría, bajo el protectorado de España, aunque la disminución primero y la supresión luego de la piratería hiriera en el corazón á un Estado cuyo esplendor y preponderancia eran resultado de una lucha, que se creía eterna, contra los cristianos. El sultán es todavía el soberano y el dueño absoluto de los hombres y de las cosas en toda la extensión de su Imperio. En realidad, no disfruta de un poder absoluto más que en los distritos que forman su dominio privado y en los de algunos datos que son sus parientes ó sus aliados. Su autoridad se ha debilitado mucho. Los datos, señores feudales, son soberanos efectivos en sus dominios. Algunos de estos vasallos estaban igualmente pensionados por España, pero conservaban una autonomía casi completa. La dignidad del sultán es hereditaria; está asistido por un Consejo de los datos ó *Rumah bichara* y por ministros.

Historia. Hasta el año de 1876 el arch. de SULÚ formaba un Estado independiente, sometido al sultán de Sulú, que ejercía, además, su poder sobre una parte de la costa NE. de Borneo, hoy posesión británica. El Est. de Sulú data de mediados del siglo XVII, á cuya época nos llevan las tradiciones locales hablando de un comerciante árabe de la Meca, Said Ali, que, desembarcando en Sulú, debió de apoderarse del trono ocupado por el sultán Kam-al-Udin. Said Ali introdujo el islamismo en la isla y lo propagó por todo el archipiélago. Durante el siglo XVII los árabes de SULÚ tuvieron que luchar contra los españoles, que desde el año 1602 se apoderaron durante algún tiempo de la isla de Sulú. El resultado de esta guerra fué que los españoles limitaron sus pretensiones á algunas islas (Pangutaran, Tapul, Siasi) y firmaron un tratado de paz en 1646. España renovó, no obstante, sus tentativas en 1760, á instigación de los jesuitas, los cuales, llegados para captarse la confianza del sultán, quisieron convertir á los habitantes al cristianismo; pero la flota española con sus 2,000 hombres fué completamente derrotada por los árabes. En el momento en que el naturalista Sonnerat visitó la isla de Sulú (1776-81), los holandeses y los ingleses poseían algunas factorías en el archipiélago, pero el sultán, cansado de las continuas intervenciones de sus súbditos, deseaba ponerse bajo el protectorado de una potencia europea. Propuso al mismo Sonnerat hacer ocupar la isla Sulú por los franceses y adoptó la bandera de los Borbones como pabellón suyo, bordando en ella sólo con un [illegible] sus armas (las puertas de la Meca). Quizá sea el parecido fortuito de esta bandera con la que ondeaba en los navíos de la expedición prusiana por los mares orientales (1862) lo que dió la idea al sultán Paleh-koi Mohammed Jemal Al-Azam de escribir una carta al rey de Prusia para suplicarle liberase sus Estados del protectorado español, que había sido establecido en 1851 después de una batalla naval en regla y un bombardeo de la ciudad de Sugub (hoy *Sulú*). Sin embargo, el protectorado español no pudo mantenerse eficazmente, y, poco á poco, el sultán acabó por obtener de nuevo su independencia. Con objeto de poner fin á este estado de cosas, el Gobierno español envió en 1876 una escuadra á las aguas del archipiélago, ocupó definitivamente Basilan, la juntó al gobierno de las Filipinas y concluyó un tratado con el sultán Mohammed Jamalul-Alam, el cual aceptó el protectorado. La antigua residencia del sultán, la ciudad de Tiangghi, fué arrasada y él mismo fué internado á Maibun ó Maiobun (al S. de la isla Sulú). En 1885 el hijo de este sultán, rehusando ir á recibir la investidura á Manila, fué declarado desposeído de sus derechos y el trono de Sulú fué transmitido á un jefe elegido entre los más adictos á España. Sin embargo, pronto estallaron ciertas rebeliones en varios puntos del archipiélago y España tuvo que organizar una nueva expedición en 1887, que acabó por restablecer el orden. En 1898, el arch. de SULÚ pasó al dominio de los Estados Unidos con todas las Filipinas, y en Diciembre de 1899 se concluyó un tratado entre los Estados Unidos y el sultán, por el que éste reconocía la soberanía norteamericana en todo el Archipiélago. En cambio, se reconocieron los supuestos derechos y dignidades del sultán y se le otorgó una pensión anual. Desde el establecimiento de los norteamericanos ha habido en estas islas pocas luchas con los moros. En Sulú, no obstante, en 1903 y 1905 hubo pequeñas insurrecciones, que fueron severamente reprimidas.

Historia geográfica. Se cree que Magallanes divisó en 1521 algunas islas del arch. de SULÚ, pero hasta 1578 no desembarcó el español Figueroa en la isla de Basilan y atravesó el grupo de Tawi-Tawi. La mayor parte de las demás islas fueron visitadas por los navíos enviados en 1638-44 por el gobernador Corcuera. Á pesar de este descubrimiento tan antiguo, el archipiélago es todavía poco conocido. La primera exploración científica la hizo Dalrymple; los resultados se publicaron en Londres (1793) en una colección que hoy no ha perdido [illegible], el *Oriental Repertory*. Esta relación era la única fuente de todo cuanto se sabía sobre el archipiélago hasta estos últimos tiempos, salvo algunas notas de Sonnerat, Dumont d'Urville y Forbes, pues estos autores visitaron uno ó dos puntos de la costa de la isla de Sulú. Sin embargo, los trabajos importantes, hechos por los marinos franceses, ingleses y americanos, como también algunas Memorias publicadas por Wilkes, permitieron á Kenner publicar en 1867 una extensa monografía del grupo y el primer mapa de conjunto de gran escala. Más tarde, españoles, ingleses y franceses han contribuído á completar el conocimiento de la hidrografía del archipiélago y han dado á conocer las costas de algunas islas. Pero el interior de la mayor parte de ellas está aún poco explorado.

Bibliogr. Sonnerat, *Voyage dans l'Inde Orientale et la Chine* (París, 1782); A. Dalrymple, *Essay toward* an account of Sulu (en *Oriental Repertory*, t. I, 1793, reimpreso en el *Journal of the Indian Archipelago and Eastern Asia*, 1849); Domeni di Rienzi, *Sur l'archipel de Holo ó Soulou* (en el *Bullet. de la Soc. de Géogr.*, segunda serie, 1832); Dumont d'Urville, *Voyage au Pole Sud et dans l'Océanie* (en *Hist. du Voyage*, t. VII, París, 1844, y pl. 31 del *Atlas científico*); Wilkes, *Narrative of the United States Exploring Expedition* (1845); idem, *Extrait d'une description de l'archipel des îles Sulu* (en el *Bullet. de la Soc. de Géogr.*, 1846, 3.ª serie, t. V, página 311); Gemmerin, *Bijdrage tot de Kennis van den Soolo'schen Archipel* (en *Tijdschr. voor Nederlandsch Indië*, 1850, t. II, pág. 50); Spenser Saint John, *Life in the Forests of the Far East* (Londres, 1863); Kanner, *Der Suluh Archipel* (en *Zeitschr. de la Soc. de Geog.* de Berlín, 1867, t. II, pág. 108; una buena monografía acompañada de un mapa); Pío A. de Pazos y Vela Hidalgo, *Joló* (Burgos, 1879); F. W. Burbidge, *The Gardens of the Sun, or a Naturalist's journal on the Mountains and Swamps of Borneo and the Sulu Archipelago* (Londres, 1880); F. Blumentritt, *Die Bewohner des Suluh Archipels* (en *Globus*, 1880, XXXVII, núm. 6, pág. 90-91); Arturo Garín, *Memoria sobre el archipiélago de Joló* (en el *Boletín de la Soc. de Geog. de Madrid*, 1881, pág. 110); Pryer, *Notes on North-Eastern Borneo and the Sulu Islands* (en *Proceed. of Royal Geog Soc.*, 1883); Montano, *Une Mission aux Iles Philippines et en Malaisie* (en *Archives des Missions Scientifiques*, 3.ª serie, t. XI, París, 1885); Haynes, *English Sulu and Malay Vocabulary* (en el *Journ. of Straits Branch of Asiat. Soc.*, Singapore, 1887, núm. 16, pág. 191); J. Foreman, *The Philippine Islands. Sketch of the Philippine Archipelago and its political dependencies* (Londres, 1890); *El Archipiélago Filipino*, por varios Padres de la Compañía de Jesús (Washington, 1900). De los mapas, el mejor es el del Depósito general de la Marina francesa, *Mer de Soulou et partie occidentale de la mer de Macassar au nord de l'archipel de Sulu* (París, 1886). Como mapa de conjunto, el de Kanner, al 750000, es muy recomendable. También se encontrará el archipiélago bien trazado en el mapa de las islas Filipinas de Domann (al 2000000), que acompaña la Memoria de Blumentritt, *Versuch einer Ethnographie der Philippinen*, suplemento núm. 67 de las *Mittheilungen* de Petermann (1882), y en el *Atlas Filipino* de la obra antes citada, escrita por Jesuitas.

Sulú ó Joló. (En idioma indígena, *Sugh*, *Soug Bewan ó Bwan*.) *Geog.* Pobl. de la costa NO. de la isla de Sulú, en el archipiélago de su nombre, capital de provincia, situada á 950 kms. SSO. de Manila, en el fondo de la pequeña bahía de Sulú. Esta población fué reconstruída en 1876 junto á las ruinas de la antigua cotta de los moros tiongghi ó sugh. Los pantanos que la rodeaban fueron desecados, y la zona inundada por la marea fué transformada en explanada. Hoy es una ciudad á la europea, muy saludable, á poca distancia del mar. Las calles, trazadas á cordel, están provistas de árboles y entre ellas hay espaciosos boulevares, así como plazas, una iglesia, Hospital, un buen mercado, muchas casas de piedra, ninguna de techo de nipa tan común en el resto de Filipinas. En los alrededores los manantiales dan agua en abundancia, una parte de la cual se lleva á la población por medio de acueductos. Dentro de la población europea se encuentran los barrios indígenas y el conjunto se halla rodeado del lado de tierra por un muro donde se abren [illegible] puertas. La defensa se completa por varios fuertes.

El aspecto general de Sulú es alegre y agradable. Es una ciudad de porvenir. El comercio, en manos de los mercaderes ó moros, se compone, sobre todo, de perlas y nácar, pero hace años que los famosos *kris* que en ella se fabricaban han sido reemplazados por armas europeas asiáticas y se ha dedicado en gran parte á la agricultura de los alrededores. Sulú está en comunicación marítima con Manila y Singapore, y en su puerto hay un faro.

Annex 125

CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND HER MAJESTY THE QUEEN OF THE NETHERLANDS RESPECTING THE DELIMITATION OF THE FRONTIER BETWEEN THE STATES IN BORNEO UNDER BRITISH PROTECTION AND NETHERLANDS TERRITORY IN THAT ISLAND DATED 26 MARCH 1928

Treaty Series No. 32 (1930)

CONVENTION

between

HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND HER MAJESTY THE QUEEN OF THE NETHERLANDS

respecting the

Delimitation of the Frontier between the States in Borneo under British Protection and Netherlands Territory in that Island

[WITH A MAP]

The Hague, March 26, 1928

[Ratifications exchanged at The Hague, August 6, 1930]

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

LONDON:
PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
To be purchased directly from H.M. STATIONERY OFFICE at the following addresses
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.

1930

Convention between His Majesty in respect of the United Kingdom and Her Majesty the Queen of the Netherlands respecting the Delimitation of the Frontier between the States in Borneo under British Protection and Netherlands Territory in that Island.

The Hague, March 28, 1922.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and Her Majesty the Queen of the Netherlands,

Being desirous of further delimiting part of the frontier established in article III of the Convention signed at London on the 20th June, 1891, for the delimitation of the boundary line between the States in the Island of Borneo which are under British protection and the Netherlands territory in that island,

Have resolved to conclude a Convention for that purpose, and have appointed as their plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India,

For Great Britain and Northern Ireland:

The Right Honourable the Earl Granville, G.C.V.O., K.C.M.G., His Majesty's Envoy Extraordinary and Minister Plenipotentiary at The Hague;

Her Majesty the Queen of the Netherlands:

Jonkheer Frans Beelaerts van Blokland, Her Majesty's Minister for Foreign Affairs, and

Dr. Jacob Christiaan Koningsberger, Her Majesty's Minister for the Colonies;

who, having communicated their full powers, found in good and

Zijne Majesteit de Koning van Groot-Britannië, Ierland en de Britsche Overzeesche Gebieden, Keizer van Indië, en Hare Majesteit de Koningin der Nederlanden,

Wenschende een gedeelte der grens, vastgesteld bij artikel III van het op den 20sten Juni 1891 te Londen onderteekend verdrag tot aanwijzing van de grenslijn tusschen de Staten op het eiland Borneo die onder Britsch protectoraat staan en het Nederlandsche gebied op dat eiland nader vast te stellen,

Hebben goedgevonden te dien einde een verdrag te sluiten en hebben als HoogstDerzelver gevolmachtigden aangewezen:

Zijne Majesteit de Koning van Groot-Britannië, Ierland en de Britsche Overzeesche Gebieden, Keizer van Indië,

Voor Groot-Britannië en Noord-Ierland:

The Right Honourable Graaf Granville, G.C.V.O., K.C.M.G., HoogstDesselfs Buitengewoon Gezant en Gevolmachtigd Minister te 's-Gravenhage;

Hare Majesteit de Koningin der Nederlanden:

Jonkheer Frans Beelaerts van Blokland, HoogstDerzelver Minister van Buitenlandsche Zaken, en

Dr. Jacob Christiaan Koningsberger, HoogstDerzelver Minister van Koloniën;

die na mededeeling hunner volmachten, welke in goeden en in due form, have agreed, as follows:—

ARTICLE 1.

The boundary as defined in article III of the Convention signed at London on the 20th June, 1891, is further delimited between the summits of the Gunong Api and of the Gunong Raya as described in the following article and as shown on the map attached to this Convention.

ARTICLE 2.

From the Gunong Api triangulation station, where a pillar has been erected, the boundary line bears approximately W.S.W. for a distance of four hundred and fifty metres to a point on Gunong Api, where a pillar has been erected; thence it follows the watershed downwards in an approximately S.W. direction for a distance of six hundred and fifty metres to a point, where a pillar has been erected; thence in an approximately W. by N. direction for a distance of seven hundred metres to a point on the footpath from Gumbang astronomical station to Siding, where a pillar has been erected; thence following the footpath generally in a N.E. direction for a distance of five hundred metres to point Batu Aum, where a pillar has been erected; thence in a straight line bearing approximately N.W. by N. to the first stream, tributary of the Odong river, a distance of six hundred metres; thence following the tributary on its right bank in a generally W. direction to the confluence with the Odong river, where a pillar has been erected; thence in a straight line bearing approximately N.W. to a point on the left bank of the Tring

behoorlijken vorm zijn bevonden, het volgende zijn overeengekomen:

ARTIKEL 1.

De grens als vastgesteld in artikel III van het op den 20sten Juni 1891 te Londen geteekend verdrag wordt tusschen de toppen van den Goenoeng Api en van den Goenoeng Raja nader vastgesteld als omschreven in het volgend artikel en als aangegeven op de kaart, welke bij dit verdrag is gevoegd.

ARTIKEL 2.

Van het triangulatie-station Goenoeng Api, waar een pilaar is geplaatst, loopt de grenslijn in ongeveer W.Z.W. richting over een afstand van vierhonderd vijftig meter tot een punt op den Goenoeng Api, waar een pilaar is geplaatst; vandaar volgt de grens de waterscheiding afwaarts in ongeveer Z.W. richting over een afstand van zeshonderd vijftig meter tot een punt, waar een pilaar is geplaatst; vandaar in een richting ongeveer W. ten N. over een afstand van zevenhonderd meter tot een punt op het voetpad van het astronomisch station Goembang naar Siding, waar een pilaar is geplaatst; vandaar het voetpad volgende in eene over het algemeen N.O. richting over een afstand van vijfhonderd meter tot punt Batoe Aoem, waar een pilaar is geplaatst; vandaar in een rechte lijn loopende ongeveer N.W. ten N. tot de eerste rivier, een zijtak van de Odong rivier, een afstand van zeshonderd meter; vandaar den zijtak op den rechteroever volgende in eene over het algemeen W. richting tot de samenvloeiing met de Odong rivier, waar een pilaar is geplaatst; vandaar in een rechte lijn loopende ongeveer N.W tot een punt op stream, where a pillar has been erected; thence in a generally N.W. direction to a point on the left bank of the Toepijem river, where a pillar has been erected; thence in a generally N.N.W. direction to a point on the right bank of the Pon stream, where a pillar has been erected; thence following the crest in a generally W. by N. direction to a point on the left bank of the Meroemo river, where a pillar has been erected; thence across the Meroemo river to a point on its right bank, where a pillar has been erected; thence following the watershed in a generally N.W. direction to the Gunong Brunei triangulation station, where a pillar has been erected.

From the Gunong Brunei triangulation station the boundary line bears approximately N.N.W. in a straight line to the Gunong Jagoi (Poko Payong) triangulation station, where a pillar has been erected at the point where this straight line cuts the footpath between Billeh and Jagoi Babang.

From the Gunong Jagoi (Poko Payong) triangulation station the boundary line follows the right bank of the Boewan river (which has its source within fifty metres of the above-mentioned pillar) in a generally N. direction to its confluence with the Berenas river, at which point a pillar has been erected. Pillars have also been placed on the right bank of the Boewan river at the point where it is crossed by the footpath between Setaas and Siloewas and where it is crossed by the footpath between Setaas and Gunong Raya. From the point of confluence of the Boewan and Berenas

den linkeroever van de Trang rivier, waar een pilaar is geplaatst; vandaar in eene over het algemeen N.W. richting tot een punt op den linkeroever van de Toepijem rivier, waar een pilaar is geplaatst; vandaar in eene over het algemeen N.N.W. richting tot een punt op den rechteroever van de Pon rivier, waar een pilaar is geplaatst; vandaar den bergrug volgende in eene over het algemeen W. ten N. richting tot een punt op den linkeroever van de Meroemo rivier, waar een pilaar is geplaatst; vandaar over de Meroemo rivier tot een punt op haar rechteroever, waar een pilaar is geplaatst; vandaar de waterscheiding volgende in eene over het algemeen N.W. richting tot het triangulatie-station Goenoeng Broenai, waar een pilaar is geplaatst.

Van het triangulatie-station Goenoeng Broenai loopt de grenslijn ongeveer N.N.W. in een rechte lijn tot het Goenoeng Djagoei (Poko Pajoeng) triangulatie-station, waar een pilaar is geplaatst op het punt waar deze rechte lijn het voetpad tusschen Billeh en Djagoei Babang snijdt.

Van het Goenoeng Djagoei (Poko Pajoeng) triangulatie-station volgt de grenslijn den rechteroever van de Boewan rivier (welke binnen vijftig meter van bovengenoemden pilaar ontspringt) in eene over het algemeen N. richting tot haar samenvloeiing met de Berenas rivier, op welk punt een pilaar is geplaatst. Pilaren zijn eveneens geplaatst op den rechteroever van de Boewan rivier bij het punt waar zij wordt gekruist door het voetpad tusschen Setaas en Siloewas en waar zij wordt gekruist door het voetpad tusschen Setaas en Goenoeng Raja. Van het samenvloeiingspunt van de Boewan en de Berenas rivier

rivers the boundary line follows the Berenas river on its right bank to its confluence with the Separan river, where a pillar has been erected on the right bank of the Berenas river and another on the right bank of the Separan river opposite to that of the right bank of the Berenas river. From the latter pillar the boundary line bears approximately N.W. in a straight line to the Gunong Raya triangulation station, where a pillar has been erected. From this triangulation station the boundary line bears approximately E.N.E. along the crest of the Gunong Raya to its top, where on account of the nature of the soil no pillar has been erected.

ARTICLE 3.

The present Convention shall be ratified and shall come into force three months after the exchange of the acts of ratification, which shall take place at The Hague as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at The Hague, the 26th day of March, 1928.

volgt de grenslijn de Berenas rivier op haar rechteroever tot haar samenvloeiing met de Separan rivier, waar een pilaar is geplaatst op den rechteroever van de Berenas rivier en een andere op den rechteroever van de Separan rivier tegenover dien op den rechteroever van de Berenas rivier. Van dezen laatsten pilaar loopt de grenslijn ongeveer N.W. in een rechte lijn tot het triangulatie-station Goenoeng Raja, waar een pilaar is geplaatst. Van dit triangulatie-station loopt de grenslijn ongeveer O.N.O. langs den bergrug van den Goenoeng Raja tot zijn top, waar wegens de bodemgesteldheid geen pilaar is geplaatst.

ARTIKEL 3.

Dit verdrag zal worden bekrachtigd en zal in werking treden drie maanden na de uitwisseling der akten van bekrachtiging welke zoo spoedig mogelijk te 's-Gravenhage zal plaats hebben.

Ter oorkonde waarvan de wederzijdsche gevolmachtigden dit verdrag hebben onderteekend en er hunne zegels aan hebben gehecht.

Gedaan in dubbel te 's-Gravenhage, den 26sten Maart 1928.

(L.S.) GRANVILLE

(L.S.) BEELAERTS VAN BLOKLAND

(L.S.) KONINGSBERGER

Annex 126

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN DELIMITING BOUNDARY BETWEEN THE PHILIPPINE ARCHIPELAGO AND THE STATE OF NORTH BORNEO AND EXCHANGES OF NOTES REGARDING CERTAIN ISLANDS OFF THE COAST OF BORNEO DATED 2 JANUARY 1930, AND ATTACHED CHARTS NOS. 4707 AND 4720, PUBLISHED BY THE UNITED STATES COAST AND GEODETIC SURVEY, CORRECTED TO 24 JULY 1929, DEPICTING THE BOUNDARY LINE AGREED IN THE CONVENTION

January 2, 1930.

Convention between the United States of America and Great Britain delimiting boundary between the Philippine Archipelago and the State of North Borneo and exchanges of notes regarding certain islands off the coast of Borneo. Signed at Washington, January 2, 1930; ratification advised by the Senate, February 11, 1930; ratified by the President, February 21, 1930; ratified by Great Britain, November 2, 1932; ratifications exchanged at Washington, December 15, 1932; proclaimed, December 16, 1932.

By the President of the United States of America

A PROCLAMATION

Convention with Great Britain delimiting boundary between Philippine Islands and North Borneo.
Preamble.
Vol. 30, p. 1754.
Vol. 31, p. 1942.

Whereas a convention between the United States of America and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, delimiting definitely the boundary between the Philippine Archipelago (the territory acquired by the United States of America by virtue of the treaties of December 10, 1898, and November 7, 1900, with Her Majesty the Queen Regent of Spain) and the State of North Borneo which is under British protection, was concluded and signed by their respective Plenipotentiaries at Washington on the second day of January, one thousand nine hundred and thirty, the original of which convention is word for word as follows:

Contracting Powers.

The President of the United States of America and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India,

Being desirous of delimiting definitely the boundary between the Philippine Archipelago (the territory acquired by the United States of America by virtue of the Treaties of December 10, 1898, and November 7, 1900, with Her Majesty the Queen Regent of Spain) and the State of North Borneo which is under British protection,

Plenipotentiaries.

Have resolved to conclude a Convention for that purpose and have appointed as their plenipotentiaries:

The President of the United States of America,

Henry L. Stimson, Secretary of State of the United States; and

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India,

For Great Britain and Northern Ireland:

The Right Honorable Sir Esme Howard, G.C.B., G.C.M.G., C.V.O., His Majesty's Ambassador Extraordinary and Plenipotentiary at Washington;

Who, having communicated to each other their respective full powers found in good and due form have agreed upon and concluded the following Articles:

Article I

Geographical lines of demarcation established.

It is hereby agreed and declared that the line separating the islands belonging to the Philippine Archipelago on the one hand and the islands belonging to the State of North Borneo which is under British protection on the other hand shall be and is hereby established as follows:

Description.

From the point of intersection of the parallel of four degrees forty-five minutes (4° 45′) north latitude and the meridian of longitude one hundred twenty degrees (120° 0′) east of Greenwich, (being a point on the boundary defined by the Treaty between the United States of America and Spain signed at Paris, December 10, 1898), a line due south along the meridian of longitude one hundred twenty degrees (120° 0′) east of Greenwich to its point of intersection with the parallel of four degrees twenty-three minutes (4° 23′) north latitude;

thence due west along the parallel of four degrees twenty-three minutes (4° 23′) north latitude to its intersection with the meridian of longitude one hundred nineteen degrees (119° 0′) east of Greenwich;

thence due north along the meridian of longitude one hundred nineteen degrees (119° 0′) east of Greenwich to its intersection with the parallel of four degrees forty-two minutes (4° 42′) north latitude;

thence in a straight line approximately 45° 54′ true (N 45° 54′ E) to the intersection of the parallel of five degrees sixteen minutes (5° 16′) north latitude and the meridian of longitude one hundred nineteen degrees thirty-five minutes (119° 35′) east of Greenwich;

thence in a straight line approximately 314° 19′ true (N 45° 41′ W) to the intersection of the parallel of six degrees (6° 0′) north latitude and the meridian of longitude one hundred eighteen degrees fifty minutes (118° 50′) east of Greenwich;

thence due west along the parallel of six degrees (6° 0′) north latitude to its intersection with the meridian of longitude one hundred eighteen degrees twenty minutes (118° 20′) east of Greenwich;

thence in a straight line approximately 307° 40′ true (N 52° 20′ W) passing between Little Bakkungaan Island and Great Bakkungaan Island to the intersection of the parallel of six degrees seventeen minutes (6° 17′) north latitude and the meridian of longitude one hundred seventeen degrees fifty-eight minutes (117° 58′) east of Greenwich;

thence due north along the meridian of longitude one hundred seventeen degrees fifty-eight minutes (117° 58′) east of Greenwich to its intersection with the parallel of six degrees fifty-two minutes (6° 52′) north latitude;

thence in a straight line approximately 315° 16′ true (N 44° 44′ W) to the intersection of the parallel of seven degrees twenty-four minutes forty-five seconds (7° 24′ 45″) north latitude with the meridian of longitude one hundred seventeen degrees twenty-five minutes thirty seconds (117° 25′ 30″) east of Greenwich;

thence in a straight line approximately 300° 56′ true (N 59° 4′ W) through the Mangsee Channel between Mangsee Great Reef and Mangsee Islands to the intersection of the parallel of seven degrees forty minutes (7° 40′) north latitude and the meridian of longitude one hundred seventeen degrees (117° 0′) east of Greenwich, the latter point being on the boundary defined by the Treaty between the United States of America and Spain signed at Paris, December 10, 1898.

ARTICLE II

Line between Little Bakkungaan and Great Bakkungaan defined.

The line described above has been indicated on Charts Nos. 4707 and 4720, published by the United States Coast and Geodetic Survey, corrected to July 24, 1929, portions of both charts so marked being attached to this treaty and made a part thereof. It is agreed that if more accurate surveying and mapping of North Borneo, the Philippine Islands, and intervening islands shall in the future show that the line described above does not pass between Little Bakkungaan and Great Bakkungaan Islands, substantially as indicated on Chart No. 4720, the boundary line shall be understood to be defined in that area as a line passing between Little Bakkungaan and Great Bakkungaan Islands as indicated on the chart, said portion of the line being a straight line approximately 307° 40′ true drawn from a point on the parallel of 6° 6′ north latitude to a point on the meridian of longitude of 117° 58′ east of Greenwich.

Between Mangsee Islands and Mangsee Great Reef.

It is likewise agreed that if more accurate surveying and mapping shall show that the line described above does not pass between the Mangsee Islands and Mangsee Great Reef as indicated on Chart No. 4720, the boundary shall be understood to be defined in that area as a straight line drawn from the intersection of the parallel of 7° 24′ 45″ north latitude and the meridian of longitude of 117° 25′ 30″, east of Greenwich, passing through Mangsee Channel as indicated on attached Chart No. 4720 to a point on the parallel of 7° 40′ north latitude.

ARTICLE III

Territory allocated.

All islands to the north and east of the said line and all islands and rocks traversed by the said line, should there be any such, shall belong to the Philippine Archipelago and all islands to the south and west of the said line shall belong to the State of North Borneo.

ARTICLE IV

Islands of Turtle and Mangsee Groups. Vol. 43, p. 1655.

The provisions of Article 19 of the Treaty between the United States of America, the British Empire, France, Italy, and Japan limiting naval armament, signed at Washington on February 6, 1922, shall, so long as that Treaty remains in force, apply in respect of all islands in the Turtle and Mangsee Groups which are or may be deemed to be comprised within the territories of the Philippine Archipelago on the one hand and of the State of North Borneo on the other hand in consequence of the establishment of the line fixed by the preceding articles of the present Convention. In the event of either High Contracting Party ceding, selling, leasing or transferring any of the islands in question to a third party provision shall be made for the continued application to such island of the aforementioned Article 19 of the Treaty between the United States of America, the British Empire, France, Italy and Japan limiting naval armament, signed at Washington on February 6, 1922, provided that Treaty is still in force at the time of such cession, sale, lease or transfer.

ARTICLE V

Exchange of ratifications.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and shall come into force on the exchange of the acts of ratification which shall take place at Washington as soon as possible.

Signatures.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto their respective seals.

Done in duplicate at Washington the second day of January in the year of our Lord one thousand nine hundred and thirty.

HENRY L. STIMSON [SEAL]
ESME HOWARD [SEAL]

Ratifications exchanged.

AND WHEREAS the said convention has been duly ratified on both parts and the ratifications of the two Governments were exchanged at Washington on the thirteenth day of December, one thousand nine hundred and thirty-two;

Proclamation.

Now, THEREFORE, be it known that I, Herbert Hoover, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this fifteenth day of December in the year of our Lord one thousand nine hundred and thirty-two, and of the Independence of the United States of America the one hundred and fifty-seventh.

[SEAL]

HERBERT HOOVER

By the President:
HENRY L STIMSON
Secretary of State.

Exchange of notes.

EXCHANGES OF NOTES REGARDING CERTAIN ISLANDS OFF THE COAST OF BORNEO

The British Ambassador (Howard) to the Secretary of State (Stimson)

No. 679

BRITISH EMBASSY,
Washington, D.C. 2nd January, 1930.

SIR,

By the convention concluded between the President of the United States of America and His Britannic Majesty for the purpose of delimiting the boundary between the Philippine archipelago on the one hand and the State of North Borneo which is under British protection on the other hand, the sovereignty over certain islands which have for many years past been administered by the British North Borneo Company has been definitely recognized as pertaining to the United States of America. These islands which formed the subject of the arrangement effected by an exchange of notes between His Majesty's Government and the United States Government on July 3rd and July 10th, 1907, are:—

1. Sibaung, Boaan, Lihiman, Langaan, Great Bakkungaan, Taganak, and Baguan in the group of islands known as the Turtle Islands.
2. The Mangsee Islands.

His Majesty's Government in the United Kingdom understand that the Government of the United States of America are prepared to conclude an arrangement in regard to these islands, supplementary to the above-mentioned convention, in the following terms:

FIRSTLY. That the said company be left undisturbed in the administration of the islands in question unless or until the United States Government give notice to His Majesty's Government of their desire that the administration of the islands should be transferred to them. The transfer of administration shall be effected within one

Exchange of notes continued.

year after such notice is given on a day and in a manner to be mutually arranged.

SECONDLY. That when the administration of any island is transferred in accordance with the foregoing the said Company will deliver to the United States Government all records relating to administration prior to the date of transfer.

THIRDLY. The United States of America shall not be responsible for the value of any buildings which have been or may be erected or other permanent improvements which have been or may be made in any island the administration of which is subject to transfer but any buildings or improvements erected or made by the administrative authorities prior to the transfer of administration may be removed provided the interests of the United States of America are not thereby injured. In the event, however, of the Island of Taganak being so transferred, the United States Government will give favourable consideration to the question of the compensation to be paid to the said company in respect of the capital expenditure incurred by the company in connection with the lighthouse situated on the island, and the United States Government will provide for the future maintenance of the lighthouse.

FOURTHLY. That such privilege of administration shall not carry with it territorial rights, such as those of making grants or concessions in the islands in question to extend beyond the temporary occupation of the company; and any grant, concession, or license made by the company shall cease upon the termination of the company's occupation.

The United States Government, however, take note of the desire of His Majesty's Government that the following titles to land in certain of the islands which were in good faith granted by the Government of North Borneo prior to the arrangement of 1907, be allowed to stand on the terms on which they were issued by that Government.

PARTICULARS.

Titles.	Date of Alienation.	Period	Approximate total Acreage
Boaan Island.			
26 Native Titles	1. 8. 1907	In perpetuity	146 acres
Lihiman Island			
7 Native Titles	1. 8. 1907	" "	37 "
1 Provisional Lease 2416	1. 8. 1907	999 years	13 "
		Total	50 "
Langaan Island.			
4 Native Titles	1. 8. 1907	In perpetuity	23 "
Great Bakkungaan.			
3 Provisional Leases	28. 9. 1903	999 years	112 "

FIFTHLY. It is agreed that the United States Government shall be exempt from responsibility in respect of acts done in or from any of the islands in question the administration of which has not been transferred to the United States.

Exchange of notes—Continued.

SIXTHLY. The stipulations of the extradition treaties between the United States Government and His Majesty's Government shall be applicable within the limits provided for in the exchange of notes which took place in Washington on September 1st/23rd, 1913, to the islands in question and the United States Government take note of the importance which, in view of the proximity of the islands to North Borneo, the said company attach to the establishment and maintenance of an adequate police post thereon, in the event of the administration being transferred to the United States Government.

SEVENTHLY. In the event of the cession, sale, lease or transfer of the islands in question to any third party, the United States Government undertake to use their good offices in commending to the favourable consideration of such third party the desires expressed by His Majesty's Government in the United Kingdom and the British North Borneo Company, as set out in the preceding articles of the present arrangement.

I have the honour under instructions from His Majesty's Principal Secretary of State for Foreign Affairs to request you to be so good as to inform me whether the United States adhere to the terms of the arrangement above described and I shall be glad to receive an assurance from you at the time that this note will be considered by the United States Government as sufficient acceptance of the above arrangement on the part of His Majesty's Government in the United Kingdom.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

ESME HOWARD

THE HONOURABLE
HENRY L. STIMSON,
Secretary of State of the United States,
Washington, D.C.

The Secretary of State (Stimson) to the British Ambassador (Howard)

DEPARTMENT OF STATE,
Washington, January 2, 1930.

EXCELLENCY:

In Your Excellency's note of today's date you stated that His Majesty's Government in the United Kingdom understands that the Government of the United States of America is prepared to conclude an arrangement in the following terms regarding certain islands off the coast of Borneo which have been administered by the British North Borneo Company in accordance with the arrangement effected by an exchange of notes between His Majesty's Government and the Government of the United States of America on July 3 and July 10, 1907:

FIRSTLY. That the said company be left undisturbed in the administration of the islands in question unless or until the United States [illegible] of administration.

Government give notice to His Majesty's Government of its desire that the administration of the islands should be transferred to it. The transfer of administration shall be effected within one year after such notice is given on a day and in a manner to be mutually arranged.

SECONDLY. That when the administration of any island is transferred in accordance with the foregoing the said Company will deliver to the United States Government all records relating to administration prior to the date of transfer.

THIRDLY. The United States of America shall not be responsible for the value of any buildings which have been or may be erected or other permanent improvements which have been or may be made in any island the administration of which is subject to transfer but any buildings or improvements erected or made by the administrative authorities prior to the transfer of administration may be removed provided the interests of the United States of America are not thereby injured. In the event, however, of the Island of Taganak being so transferred, the United States Government will give favorable consideration to the question of the compensation to be paid to the said company in respect of the capital expenditure incurred by the company in connection with the lighthouse situated on the island, and that the United States Government will provide for the future maintenance of the lighthouse.

FOURTHLY. That such privilege of administration shall not carry with it territorial rights, such as those of making grants or concessions in the islands in question to extend beyond the temporary occupation of the company; and any grant, concession, or license made by the company shall cease upon the termination of the company's occupation.

The United States Government, however, takes note of the desire of His Majesty's Government that the following titles to land in certain of the islands which were in good faith granted by the Government of North Borneo prior to the arrangement of 1907, be allowed to stand on the terms on which they were issued by that Government.

PARTICULARS

Titles	*Date of Alienation*	*Period*	*Approximate total acreage*
Boaan Island			
26 Native Titles	1. 6. 1907	In perpetuity	166 acres
Lihiman Island			
7 Native Titles	1. 6. 1907	" "	37 "
1 Provisional Lease 2416	1. 6. 1907	999 years	13 "
		Total	50 "
Langaan Island			
4 Native Titles	1. 6. 1907	In perpetuity	12 "
Great Bakkungaan			
3 Provisional Leases	28. 6. 1903	999 years	118 "

Fifthly. It is agreed that the United States Government shall be exempt from responsibility in respect of acts done in or from any of the islands in question the administration of which has not been transferred to the United States. [illegible]

Sixthly. The stipulations of the extradition treaties between the United States Government and His Majesty's Government shall be applicable within the limits provided for in the exchange of notes which took place in Washington on September 1st/23rd, 1913, to the islands in question and the United States Government takes note of the importance which, in view of the proximity of the islands to North Borneo, the said company attaches to the establishment and maintenance of an adequate police post thereon, in the event of the administration being transferred to the United States Government.

Seventhly. In the event of the cession, sale, lease or transfer of the islands in question to any third party, the United States Government undertakes to use its good offices in commending to the favorable consideration of such third party the desires expressed by His Majesty's Government in the United Kingdom and the British North Borneo Company, as set out in the preceding articles of the present arrangement.

In reply to the inquiry made on behalf of Your Excellency's Government in the last paragraph of your note of today's date, I take pleasure in informing you that the Government of the United States of America adheres to the terms of the arrangement above described, and in assuring you that your note under acknowledgment is considered by the Government of the United States of America as sufficient acceptance of the arrangement on the part of His Majesty's Government in the United Kingdom.

Accept, Excellency, the renewed assurances of my highest consideration.

Henry L. Stimson

His Excellency
The Right Honorable
Sir Esme Howard, *G.C.B., G.C.M.G., C.V.O.*,
Ambassador of Great Britain.

The British Ambassador (Lindsay) to the Secretary of State (Stimson)

No. 221

British Embassy,
Washington, D.C., July 6th, 1932

Sir,

In the notes exchanged between the United States Government and His Majesty's Government in the United Kingdom on January 2nd, 1930, constituting an arrangement regarding certain islands off the coast of Borneo which have been administered by the British North Borneo Company in accordance with the arrangement effected by an exchange of notes between His Majesty's Government and the Government of the United States of America on July 3 and July 10,

Exchange of notes Continued.

1907, the United States Government took note of the desire of His Majesty's Government that certain titles to land in certain of the islands which were in good faith granted by the Government of North Borneo prior to the arrangement of 1907, be allowed to stand on the terms on which they were issued by that Government.

2. His Majesty's Government regret that the following title was inadvertently omitted from those included in the above arrangement:—

Likiman Island	*Date of Alienation*	*Period*	*Area*
Provisional Lease No. 2417	1.6.1907	999 yrs.	13 acres 0 roods 34 perches.

3. I have the honour under instructions from His Majesty's Principal Secretary of State for Foreign Affairs to request you to be so good as to inform me whether the United States Government will agree to regard this title as included in those mentioned in the arrangement concluded on January 2nd, 1930.

4. Should your Government agree to this extension of the above-mentioned arrangement, I should be glad to receive from you an assurance that this note will be considered by the United States Government as a sufficient confirmation thereof on the part of His Majesty's Government in the United Kingdom.

I have the honour to be, with the highest consideration, Sir.

Your most obedient, humble servant.

R. C. Lindsay

The Honourable
Henry L. Stimson,
Secretary of State of the United States,
Washington, D.C.

The Secretary of State (Stimson) to the British Ambassador (Lindsay)

Department of State,
Washington, July 6, 1932.

Excellency:

I have the honor to acknowledge the receipt of Your Excellency's note of this day's date in which Your Excellency refers to the fact that in the notes exchanged between the Government of the United States of America and His Majesty's Government in the United Kingdom on January 2nd, 1930, constituting an arrangement regarding certain islands off the coast of Borneo which have been administered by the British North Borneo Company in accordance with the arrangement effected by an exchange of notes between His Majesty's Government and the Government of the United States on July 3 and July 10, 1907, the Government of the United States took note of the desire of His Majesty's Government that certain titles to land in

Exchange of notes — Continued.

certain of the islands which were in good faith granted by the Government of North Borneo prior to the arrangement of 1907, be allowed to stand on the terms on which they were issued by that Government. In relation to this matter Your Excellency states that His Majesty's Government regrets that the following title was inadvertently omitted from the list of land titles included in the above arrangement:

Lihiman Island	*Date of Alienation*	*Period*	*Area*
Provisional Lease No. 2417	1.6.1907	999 years	13 acres 0 roods 24 perches

Under instructions from His Majesty's Principal Secretary of State for Foreign Affairs Your Excellency requests that I be so good as to inform you whether the Government of the United States will agree to regard this title as included in those mentioned in the arrangement concluded on January 2, 1930.

In reply I am pleased to inform Your Excellency that the Government of the United States agrees to the extension of the arrangement of January 2, 1930, to include the above-mentioned title, and I take pleasure also in assuring Your Excellency that your note under acknowledgment is considered by the Government of the United States as a sufficient confirmation on the part of His Majesty's Government in the United Kingdom of the aforesaid extension.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State:
W. R. CASTLE, Jr.

HIS EXCELLENCY
THE HONORABLE SIR RONALD LINDSAY,
P.C., G.C.M.G., K.C.B., C.V.O.,
British Ambassador.

711.4115A/90

EXCHANGE OF NOTES CONCERNING THE ADMINISTRATION AND LEASE OF CERTAIN ISLANDS OFF THE COAST OF BORNEO BY THE BRITISH NORTH BORNEO COMPANY, MENTIONED IN THE EXCHANGES OF NOTES OF JANUARY 2, 1930, AND JULY 6, 1932

The British Ambassador (Bryce) to the Secretary of State (Root)

Nº 151

BRITISH EMBASSY,
Intervale, N.H. July 3. 1907,

SIR,

I have the honour to inform you that His Majesty's Government, acting at the request and on behalf of the British North Borneo Company, are prepared to acquiesce in the last proposal stated in your

Exchange of notes Continued.

letter to Sir H. M. Durand of the 19th of December last, respecting the administration of certain islands on the East Coast of Borneo. I am therefore instructed by His Majesty's Principal Secretary of State for Foreign Affairs to place the proposed arrangement formally on record without further delay.

His Majesty's Government understand the terms of the arrangement to be as follows.

"Firstly: that the said Company be left undisturbed in the administration of the islands in question without any agreement specifying details, the United States Government simply waiving in favour of the said Company the right to such administration in the meantime, in other words, that the existing status be continued indefinitely at the pleasure of the two Governments concerned.

"Secondly: that such privilege of administration shall not carry with it territorial rights, such as those of making grants or concessions in the islands in question to extend beyond the temporary occupation of the company; and any grant, concession or license, made by the company shall cease upon the termination of the company's occupation.

"Thirdly: That the temporary waiver of the right of administration on the part of the United States Government shall cover all the islands to the westward and southwestward of the line traced on the map which accompanied Sir H. M. Durand's memorandum of the 23rd of June, 1906, and which is annexed to and is to be deemed to form part of this Note.

"Fourthly: That the British North Borneo Company, through His Majesty's Government, shall agree to the exemption of the United States Government from any claim or allegation that the latter Government has incurred any responsibility in respect of acts done in or from any island within the said line.

"Fifthly: That the understanding shall continue until the said two Governments may by Treaty delimit the boundary between their respective domains in that quarter, or until the expiry of one year from the date when notice of termination be given by either to the other.

"Sixthly: That in case of denunciation, the United States Government shall not be responsible for the value of any buildings or other permanent improvements which may have been erected or made by the company upon the islands, but permission is hereby given to the company to remove, at its own expense, any buildings or improvements erected by it, provided the interests of the United States be not injured thereby."

I have therefore the honour to request you to be so good as to inform me whether the United States adhere to the terms of the arrangement above described, and I shall be glad to receive an assurance from you at the same time that this Note will be considered by the United

States Government as sufficient ratification of the above arrangement on the part of His Majesty's Government.

[illegible]

I have the honour to be with the highest consideration, Sir, your most obedient, humble Servant

JAMES BRYCE

THE HONOURABLE
ELIHU ROOT
etc., etc., etc.

The Acting Secretary of State (Bacon) to the British Ambassador (Bryce)

2160/6
No. 109

DEPARTMENT OF STATE,
Washington, July 10, 1907.

EXCELLENCY:

I have the honor to acknowledge the receipt of your note No. 151 of the 3rd instant, by which you inform me that His Majesty's Government, acting at the request and in behalf of the British North Borneo Company, are prepared to acquiesce in the last proposal stated in the letter of December 19, 1906, from the Secretary of State to Sir H. M. Durand, respecting the administration of certain islands on the East Coast of Borneo, and that you are therefore instructed by His Majesty's Principal Secretary of State for Foreign Affairs to place the proposed arrangement formally on record without further delay.

The understanding of His Majesty's Government of the terms of the arrangement is stated by you to be as follows:

"Firstly: That the said Company be left undisturbed in the administration of the islands in question without any agreement specifying details, the United States Government simply waiving in favor of the said Company the right to such administration in the meantime, in other words, that the existing status be continued indefinitely at the pleasure of the two Governments concerned.

"Secondly: That such privilege of administration shall not carry with it territorial rights, such as those of making grants or concessions in the islands in question to extend beyond the temporary occupation of the company; and any grant, concession or license, made by the company shall cease upon the termination of the company's occupation.

"Thirdly: That the temporary waiver of the right of administration on the part of the United States Government shall cover all the islands to the westward and southwestward of the line traced on the map which accompanied Sir H. M. Durand's memorandum of the 23rd of June, 1906, and which is annexed to and to be deemed to form part of this note.

"Fourthly: That the British North Borneo Company, through His Majesty's Government, shall agree to the exemption of the United States Government from any claim or allegation that the latter Government has incurred any responsibility in respect of acts done in or from any island within the said line.

[illegible]

"*Fifthly:* That the understanding shall continue until the said two Governments may by treaty delimit the boundary between their respective domains in that quarter or until the expiry of one year from the date when notice of termination be given by either to the other.

"*Sixthly:* That in case of denunciation, the United States Government shall not be responsible for the value of any buildings or other permanent improvements which may have been erected or made by the company upon the islands; but permission is hereby given to the company to remove, at its own expense, any buildings or improvements erected by it, provided the interest of the United States be not injured thereby."

The understanding of His Majesty's Government as above recited agreeing with that of the United States, I have the honor formally to announce the adherence of the United States to the arrangement and the acceptance of your note as sufficient ratification of the arrangement on the part of His Majesty's Government.

I have the honor to be, with the highest consideration, Your Excellency's most obedient servant,

ROBERT BACON,
Acting Secretary.

HIS EXCELLENCY
THE RIGHT HONORABLE
JAMES BRYCE, O.M.,
Ambassador of Great Britain.

EXCHANGE OF NOTES PROVIDING FOR EXTRADITION BETWEEN THE PHILIPPINE ISLANDS OR GUAM AND THE STATE OF NORTH BORNEO, MENTIONED IN THE EXCHANGE OF NOTES OF JANUARY 2. 1930

The British Ambassador (Spring Rice) to the Secretary of State (Bryan)

No. 231.

BRITISH EMBASSY
Dublin, N.H. Sept. 1. 1913.

SIR,

Under instructions from my government I have the honour to request you to be so good as to inform me whether the United States Government would be willing to enter into an arrangement with the Government of His Britannic Majesty by virtue of which fugitive offenders from the Philippine Islands or Guam to the State of North Borneo, or from the State of North Borneo to the Philippine Islands or Guam shall be reciprocally surrendered for offences specified in the existing Treaties of Extradition between the United States and His Britannic Majesty, so far as such offences are punishable both by the laws of the Philippine Islands or Guam and by the laws of the State of North Borneo.

Exchange of notes continued.

Should your government agree to this arrangement I should be glad to receive from you an assurance that this note will be considered by the United States Government as a sufficient confirmation thereof on the part of His Britannic Majesty's Government.

I have the honour to be,
With the highest consideration, Sir,
Your most obedient, humble servant,
CECIL SPRING RICE

THE HONOURABLE,
W. J. BRYAN,
Secretary of State,
etc., etc., etc.,

The Secretary of State (Bryan) to the British Ambassador (Spring Rice)

No. 139.

DEPARTMENT OF STATE,
Washington, September 25, 1915.

EXCELLENCY:

I have the honor to acknowledge the receipt of your note No. 231, of the 1st instant, in which, under instructions from your Government, you inquire whether the Government of the United States would be willing to enter into an arrangement with the Government of His Britannic Majesty by virtue of which fugitive offenders from the Philippine Islands or Guam to the State of North Borneo or from the State of North Borneo to the Philippine Islands or Guam shall be reciprocally surrendered for offenses specified in the existing treaties of extradition between the United States and His Britannic Majesty, so far as such offences are punishable both by the laws of the Philippine Islands or Guam and by the laws of the State of North Borneo; and you ask that, in case the Government of the United States agrees to this arrangement, you receive from me an assurance that your note will be considered by the Government of the United States as a sufficient confirmation thereof on the part of His Britannic Majesty's Government.

In reply I am happy to state that the Government of the United States agrees to the arrangement between the Government of the United States and the Government of His Britannic Majesty by which it is understood that fugitive offenders from the Philippine Islands or Guam to British North Borneo and from British North Borneo to the Philippine Islands or Guam shall be reciprocally delivered up for offences specified in the extradition treaties between the United States and His Britannic Majesty's Government so far as such offences are punishable both by the laws of the Philippine Islands or Guam and by the laws of British North Borneo; and accepts Your Excellency's note as a sufficient confirmation of the arrangement on the part of His Britannic Majesty's Government.

Exchange of notes—Continued.

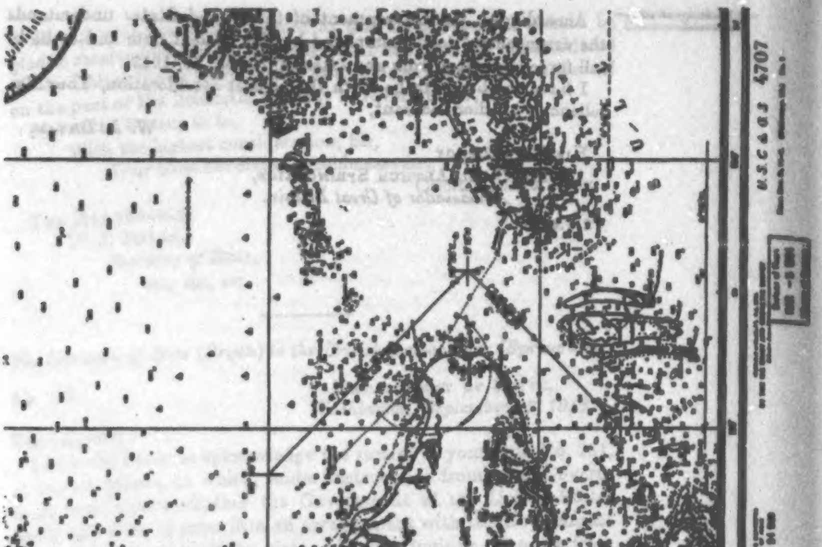
Accordingly, the Government of the United States understands the arrangement to be completed by this present note and to be in full force and effect from and after September 20, 1912.

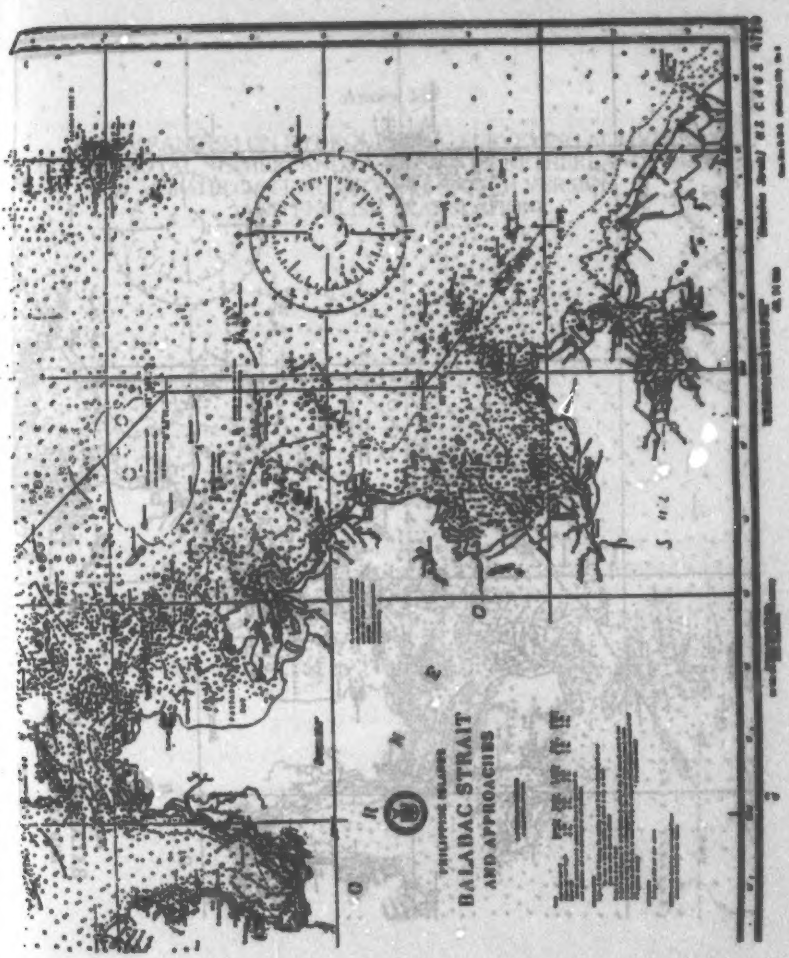
I have the honor to be, with the highest consideration, Your Excellency's obedient servant,

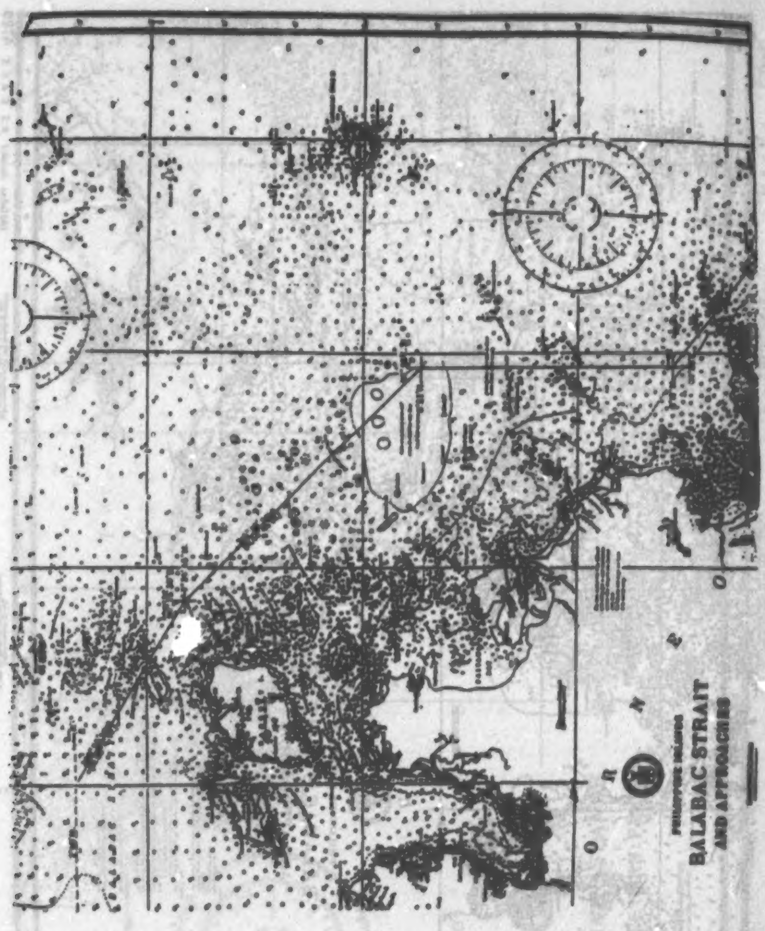
W. J. Bryan.

His Excellency
Sir Cecil Arthur Spring-Rice,
Ambassador of Great Britain.

811.41/36


PHILIPPINE ISLANDS
SOUTHWESTERN PART
U.S.C.&G.S. 4707


PHILIPPINE ISLANDS
BALABAC STRAIT
AND APPROACHES


PHILIPPINE ISLANDS
BALABAC STRAIT
AND APPROACHES

Annex 127

MEMORANDUM ON HYDROGRAPHIC SURVEYING ACTIVITIES BY THE ROYAL NETHERLANDS NAVY IN THE NETHERLANDS INDIES, DATED 16 FEBRUARY 1948 (DUTCH VERSION AND ENGLISH TRANSLATION)

TRANSLATION

Excerpts from the Memorandum on Hydrographic Surveying Activities by the Royal Netherlands Navy in the Netherlands Indies, dated 16 February 1948[1]

Paragraph 18 a (page 9): ....

> Subsequently (1901-1903), from this point work was done towards the North (a provisionally determined basis in the Sangkoelirang bay was adjusted by linking to a triangulation side of the Koetai delta 1899) and continued without modification until the British boundary (4°10'N).
> The British area lying to the North of this boundary was copied from the British Adm. Charts Nos. 1681 and 2099, for which purpose the meridians (according to source description 59) of chart 1681 were moved 20" to the East.

... Chart 59[2]. Edition 1905. Chart grid in respect of Bat.a Old. For the purpose of linking-up the British survey with chart 59, the meridians on the British Adm. Chart 1681 were moved 20" to the East. The source description states: "The NE part of chart 59 is badly drawn. Ca many spots land and islands have been corrected."

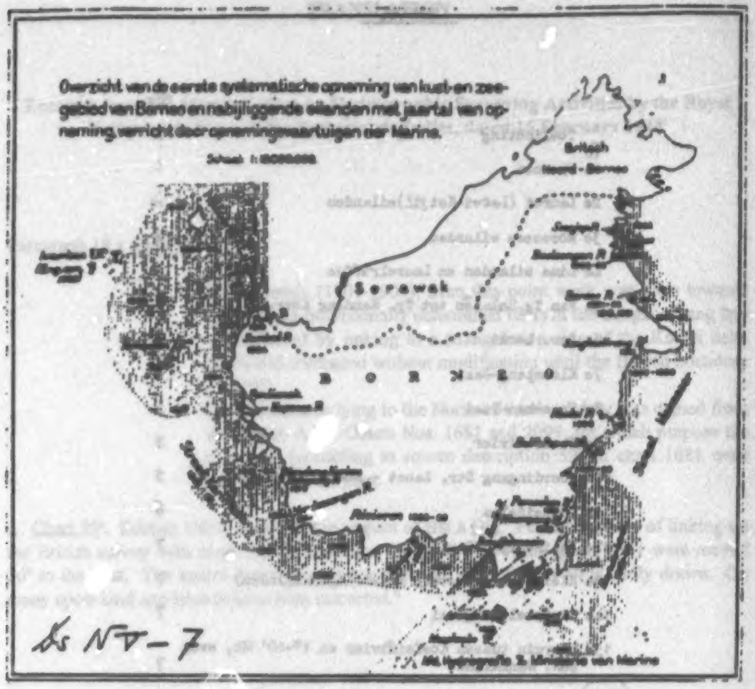
---

[1] This document provides a succinct general overview of the systematic surveying activities off the East Coast of Borneo during the years 1889-1947.

[2] This text is an explanation of Dutch chart 59, which is attached to the Memorandum, covering the northernmost area surveyed.

[illegible]

	Blz.
Toelichting	I
1e Bronnen	1
2e Laoet (Laoet-Ketjil)eilanden	1
3e Moresses eilanden	2
4e Lima eilanden en Laurelriffen	3
5e Van Tg.Selatan tot Tg. Kandang Asar.	4
6e Str. Laoet	4
7e Kloempang-Baai	4
8e Pamoekan-Baai	5
9e Pasir Rivier	5
10e Noordingang Str. Laoet - Koetaidelta	5
11e Koetaidelta	6
12e Balik-Papan-Baai	7
13e Kleine Paternoster(Balabalagan eilanden)	7
14e Sangkoelirang-Baai	7
15e Terrein tussen Koetei-Rivier en 1°-10' Nb, even beN. Mangkalihat	7
16e Terrein Mangkalihat tot aan Engelse grens	8
17e Berau-, Boelongan-, en Sesajap Rivier	8
18e Beknopt overzicht opname O.kust Borneo (Bijl. I en II).	9
19e Enige onderwerpen in de jaarverslagen Top-Dienst N.I., welke van belang zijn voor de Hydrografie ter Oostkust Borneo.	10.


Overzicht van de eerste systematische opneming van kust- en zeegebied van Borneo en nabijliggende eilanden met jaartal van opneming, verricht door opnemingsvaartuigen der Marine.
Britisch Noord-Borneo
Serawak
B O R N E O
Afd. Hydrografie Z. Ministerie van Marine

Bs NV-7

CONCLUSIE

In deze beschrijving wordt een algemeen beknopt overzicht gegeven van de systematische opnamingen ter Oostkust Borneo in de jaren 1889 - 1947.
Aan de hand van diverse in het overzicht (blz.1) genoemde bronnen, zijn de Hydr. gegevens, welke voor de toekomst van belang geacht worden, in de werkkaart,Chef verwerkt.
De beschrijving van sommige terreinen is geheel of gedeeltelijk op de achterzijde der werkkaarten overgenomen, terwijl hiervoor bij een paar kaarten verwezen wordt naar het overzicht.
De genoemde werkkaarten en het overzicht van de Oostkust Borneo vullen elkaar dus aan.
Het verdient aanbeveling om voor het verstrekken van Hydr. gegevens beide te raadplegen.

---

d. Overzicht van de Opnemingen ter Oostkust Borneo in de jaren 1889 - 1947.

1° Voor het hieronder beschreven gebied zijn de volgende bronnen geraadpleegd:

a De Hydr. Rapporten van de jaren 1892-1947 vermeld in de Klapper "Index Hydr. Rapporten", herzien in 1946. Totaal ± 112 rapporten.

b De betrekkelijke triangulatie-en Hoetregisters aangegeven in het detailboek hiervan, Afd. VI.

c Enige bijbehorende Minuut-en Constructiebladen vermeld in het detailboek Afd. VI.

d Doos Instructies O.I.

e De "Brombeschrijving".

Aangezien het "Overzicht van de Zuidkust van Borneo"(Doos IV nr. 5) eindigt bij Tg. Selatan, is, in aansluiting hiervan, de beschrijving van de Oostkust van Borneo begonnen met de eilanden nabij Tg. Selatan. De stelselmatige opneming van de Oostkust is aangevangen in 1889.

2° Laurot-(Laoet Ketjil) eilanden.

Liggen op ongeveer 70' ZO. van Tg.Selatan. Zie Werkkrt. Chef. nos.150 en 133.

a Hierover handelen 3 hydr. rapporten, jaargang 1902 Doos 2 nos. 99,100 en101. In deze rapporten wordt weinig of niets beschreven betreffende de triangulatie of getijbeweging.

In het rapport nr. 101 zijn 3 diepteciffers vermeld, aangelood beZW de Lima-eilanden (Oost vanLaurot-eilanden), welke zijn aangegeven op werkkrt. Chef 128 (a,b,c).

De triangulatie, benevens de Instructie van 20 Maart 1895 van dit gebied, staan in het Triangulatieregister" Opneming Laurot-eilanden 1902"(afd.VI B 4B). Uit dit register en de werkbladen kan het volgende worden ontleend: Voor de triangulatie waren observatieposten beschikbaar, een op het eiland Kadapangan, van Tadema 1880 en een op de NW punt van Kalambau van Oudemans1867.(punt 0 op Constructieblad Afd. VI B 4). Vermoed werd, dat de observatie Oudemans hene bezat, minder fouten te hebben dan die van Tadema, waarvoor echter geen motieven worden vermeld. De observatie Oudemans werd daarom als uitgangspunt voor de opneming genomen. Op het eiland Mata Siri werd een basis bepaald door middel van tuigh. schip. Gemiddelde lengte basis, uit 24 metingen bedroeg 2153,02 meter met een mfφ = 1,034 (0,05%).

Deze basis werd vergroot door een triangulatie met behulp van het schip. Op de obs. plaats Oudemans werd een baak geplaatst, waaruit afgeleid kan worden, dat deze observatieplaats met zekerheid werd teruggevonden. (Ligging 0 = 4-53-13 Z-en 115-39-58",38 E t.o.v. Mer. Batavia Oud).

In Ds. Instructies boek I blz.54, waar deze observatiepost is vermeld, staat: "de breedte werd van boord bepaald met de patentcirkel toen de Noordpunt recht Oost was". Voor de lengte werd een tijdsbepaling genomen, en hiervoor door Oudemans in 1867 opgegeven 115° 39' 46",8.

Voor het uitgangspunt van de opname werd, hogergenoemde lengte 115°-39'-58",38 aangenomen, dus met 11",58 vermeerderd. Op het constructieblad Afd.VI B 13b zijn blauwe en rode meridianen getrokken resp. t.o.v. Batavia 106°-48'-37",03E en Batavia 106°-48'-25"5 E.Δ=11",55. (Dit scheelt nog 0",03 met het vorige verschil. Vermoedelijk is 0",03 een ann.corr. voor het beginbaak in de opname t.o.v. de observatiepost).

Voorts werden de Laurot-eilanden nog door astronomische peilingen verbonden aan de Noordwaarts hiervan gelegen Moresses eilanden (zie hieronder punt b), die in 1892 waren opgenomen. Hydro pilaren werden niet geplaatst. Het minuut-en constructieblad van deze opneming zijn aanwezig (Afd.VI B4a en b).

De baai, gelegen in het NE. deel van Mata Siri is in 1922 en 1923 aangevuld met gegevens.

(Zie Hydr. rapport Ds. 4-184).Een calque van het minuutblad 1922 is aanwezig;

Min. blad 1923(geheim) is vernietigd evenals de bijbehorende registers van 1922 en 1923.

b. In de Bronbeschrijving 128 wordt vermeld, dat de Laoet Eilanden zijn gelegd volgens het hogergenoemd minuutblad 1902 Afd. VI B4ª. Op dit minuutblad zijn verbeterde meridianen in blauw getrokken in verband met de onder punt a genoemde Astron. peiling t.o.v. de Moresseeilanden. Voorts is op dit minuutblad vermeld, dat het punt Oudemans hierdoor verlegd is naar 4 - 53 - 17 S en 115 - 40 - 52,4 E (t.o.v. Mer. Batª. Oud) De lengte van het punt Oudemans t.o.v. Mer. Batavia Oud is dus volgens deze aanwijzing met 7,02 vermeerderd.

Bij raadpleging van { bronbeschrijving kaart 122, waarnaar ter bekorting verwezen wordt, blijkt,dat,om de kaarten 128, 122 en 150 met elkander in overeenstemming te brengen, het punt Oudemans tenslotte is komen te liggen op : 4 - 53 - 20 S en 115 - 40 - 5,4 E.

Van het min. blad 1922 Mata Siri zijn van de kaart alleen overgenomen de hoeken en de ligging der eilanden (=bronbeschrijving).

c. Op het min. blad van 1902 wordt over de reductie slechts vermeld: " Verval bij doodtij 1 à 1½ voet, bij springtij 4 à 4½ voet".

d. Uit het bovenstaande volgt:
Voor een eventuele heropname van de Laoet eilanden zijn beschikbaar:
Observatiepost Oudemans (Zie punt b)

?(Oudemans) 01 4 - 53 - 13" S en 115° - 39' - 46,6 E bel. Gr. volgens opgave 1967
02 id. en 115° - 39' - 58,38 E t.o.v. mer. Bata. Oud
Δ = 11,58 (106 - 48 - 27,65)

10° - 5.4
39' - 58.38
7.04

03 4°-53' - 20" S en 115° - 40' - 5,4 t.o.m. de kaart (φ = ± 7") (λ = ± 7")

Voorts de getijgevens genoemd in punt c, de twee veldbladen 1 : 100.000 van 1902 en de calque van 1922 en het triangulatieregister 1902 genoemd in punt a.

Op het minuutblad 1902 is de var. vermeld + 2° 19' E.
In de bronbeschrijving 128 is aangetekend dat B5 (geheim Min. blad Mata Siri 1923) niet " aangebracht" is in de kaart.

3° Moresses eilanden (Vestkrt. Chef 128)

Liggen op ± 22 mijl ZW van Pºº Laoet.
Zijn in 1892 opgenomen. De Hydr. Rapporten en het triangulatieregister ontbreken. De beschikbare gegevens zijn het min. blad van 1892 (Afd. VI B 39b), het minuutblad Poeloe Laoet en Seboekoe 1889 - 1892 (Afd.VI B 36) benevens een paar constructiebladen (Zie archiefboek). Op het eerstgenoemde blad is een observatieplaats getekend met toevoeging 4 - 22 - 20 S en 115 - 47 - 57,6 Over dit minuutblad (1: 200.000) is een blauw net getrokken, dat t.o.v. mer. Batª. Oud (37") ligt. Dit blauwe net is weder 17" o/d West verplaatst, waardoor de lengte (volgens legende van het min. blad) gelijk werd aan kaart 125.

In de bronbeschrijving van kaart 122 is een met potlood beschreven blaadje van Oct.' 1906, waarin aangegeven wordt hoe de Moresseseilanden (observatieplaats) op de kaart kwamen te liggen. Hierop staat o.a. " Op min. B 36 werden de blauwe meridianen (Bat 37") 17" om de West verplaatst om op kaart 122 overeenstemming te krijgen met kaart 125. (opmeting bdhm. Str. Laoet). De lengte van de Moresses wordt dus 17" groter".

Op het blaadje

Op het blaadje gedateerd Oct.'22, gelegd in de genoemde bronbeschrijving, is geschreven: " Op B 36 worden de meridianen zoveel om de West verplaatst, dat de lengte van hoek [illegible] gemeten over de parallel van 3° gelijk wordt aan de lengte van deze hoek op kaart 125 (Blauwe meridianen 17°). Kaart 122 overgenomen van B36 met aldus verlegde meridianen".

Deze citaten zijn vermeld, aangezien de vele aantekeningen op de diverse manuscripten aanleiding tot verwarring geven.

Uit het bovenstaande is het volgende af te leiden:

Ligging observatieplaats Moresses-eilanden.

4° - 22' - 20" S en 115° - 47' - 57" E volgens met 106° - 48' - 29.5 E van Mim. blad VI

4° - 22' - 20" S en 115° - 48' - 8.5 E volgens met 106° - 48' - 37" E van idem.
Δ = 11.5

4° - 22' - 20" S en 115° - 48' - 25.58 volgens gewijzigd met, 17° o/d West in overeenstemming met kaart 122.

De laatst genoemde coördinaten, als controle afgepast op kaart 122 (1 : 200.000) blijken juist te zijn.

De Moresses-eilanden zijn dus t.o.v. de Meridianen Batavia Oud 17° o/d Oost verplaatst.

Gegevens betreffende de getijbeweging zijn niet vermeld, noch bench-markachtige punten, waarvan bij herzieningen uitgegaan zou kunnen worden.

4° Limaeilanden en [illegible].

Liggen ongeveer 110 mijl ZO van Borneo en 140 mijl beWesten Makassar. Zie vaarkaart. Chef 126.

a. De opneming van dit terrein in de jaren 1895-1896 is beschreven in de Hydr. Rapporten Doos 1 nos. 116, 23 t/m 25, 28 en 29. Het triangulatieregister, de belangrijkste bron voor het raadplegen van de triangulatie, is verloren gegaan.

De minuutbladen (3 exs.) en 1 constructieblad zijn bewaard.

De opdracht van deze opname is vervat in " Zuid ingang Str. Makassar" Maart 1895 in Ds. Instructies boek I blz. 19.

b. Als uitgangspunt van de triangulatie is aangenomen de astron. plaatsbepaling van Oudemans(1868), op de N. punt op het eiland Sebaroe 5° - 5' - 26" Zb en 117° - 2' - 53" Ol (t.o.v. Mer. Bat.Oud). De gegevens van deze observatiepost zijn o.a. te vinden in Doos Instr. boek I blz. 49. Dit punt was niet gemarkeerd. Het werd teruggevonden door het meten van een door Oudemans bepaalde hoek: linker ∠ eiland Masalima - rechter ∠ eiland Pamangkat (Pamalikang) 49° - 34'. Er werd geen gelegenheid gevonden op de eilanden voor het meten van een nauwkeurige basis. Bedoelden en Bebakens de eilanden werden bakens vastgelegd. De lengten hiervan werden bepaald door astron. peilingen t.o.v. de plaats Oudemans en de breedten door breedtebepalingen, verricht door verschillende observateurs van het opnemingsvaartuig. (Niet met het U.I., maar vermoedelijk met de " prismacirkel"). Het geobserv. breedteverschil bedroeg ± 26 mijl, de fout hierin ging verdeeld over in het terrein der Limaeilanden (Hr. Ds. 1 nr. 16 en 23). Dit opnamegebied ligt buiten het zicht van Borneo of andere ver verwijderde punten. De opname is zonder correctie in de kaart aangebracht, volgens de bronbeschrijving. Op de detailkaart der Limaeilanden, Vaarkaart Chef 133 plan 3, is het punt Oudemans afgezet en valt nauwkeurig op de kustlijn.

De Noordwaarts-

[illegible]

De Noordwaarts gelegen Laurelriffen zijn vastgelegd t.o.v. de triangulatie van de Linnaeilanden 1895/1896 (afd. VI B 7a) is vermeld: van 1896 a + 2° - 21: Verval bij springtij 4 à 4½ voet, bij doodtij 1 à 1½ voet. Diepten herleid tot LLW. In de Zeemansgids voor N.O.I. blz. 464 staan de getijconstanten van de Linnaeilanden (15 stn.). Overigens geen gegevens betreffende de getijbeweging. Kenbare punten werden niet vermeld.

5° Van Tg. Selatan tot Tg. Kandang Awar (werkkart Chef 209a en 122) berust de triangulatie van de opneming in 1904 (HR. doos 3 nos. 35 t/m 39). Op twee punten bij Tg.Kandang Awar, afgepast van een daarvoor (vermoedelijk 1889-1892) vervaardigd constructie-blad (HR. doos 3 no.35). Van hier Zuidwaarts werkend, rond Tg.Selatan en vervolgens naar de Baritomonding werd aansluiting gekregen op de toen bekende basis "Lange Jan"-"Oud" (HR.doos 3 no.38).
NoO Tg.Kandang Awar zijn de kaarten 129 (str.Laoet), en 122 (Zuidingang Str.Laoet tot de Kloempangbaai) ontleend aan de Minuutbladen afd. VI B 40 en B 36a en aangevuld met gegevens van latere opnemingen.
Zie bronbeschrijvingen 122 en 129.

6° Str.Laoet (Werkkart.Chef 129).
Werd systematisch opgenomen in 1890. De Hydr.Rapporten van deze opneming zijn verloren in het archief. De triangulatieschema van Str.Laoet staan in het "Berekeningboek Opneming ZOkust Borneo met de eilanden Laoet en Seboekoe 1889-1892" (afd.VI B17). Hierin worden geen permanente punten gevonden. Lichttorens waren er tijdens de opname nog niet (blijkt o.a. uit het minuutblad 1889-1892 Afd. VI 36a). Op blz. 1 van genoemd "Berekeningboek" wordt de observatieplaats Tadema op het eiland [illegible] 9' bef. Poeloe Laoet vermeld en als coördinaten hiervan opgegeven 4°-13'-32",18 en 1°-31'-48",5 OL.
T.o.v. welke meridiaan deze lengte bedoeld wordt is niet aangegeven.
15'-02".5
18'-17".85
7'-[illegible] E
Hoogstwaarschijnlijk is deze lengte t.o.v. Bandjermasin 114° - 35' - 17".85, welke o.a. genoemd wordt in De Instr.s Boek I blz. 337. Blijkbaar is genoemde observatiepost het uitgangspunt van de triangulatie geweest.
Een punt van aansluiting werd in deze triangulatie niet gevonden.
Overigens is er uit het triangulatieboek voor toekomstige opname weinig nieuws meer te putten.
Na 1892 is het vaarwater in Str. Laoet door revisies aangevuld: In 1916, 1920 en 1925 bij het eiland Soewangi en in 1926 bij de noordingang van Str. Laoet. Voor het raadplegen der gegevens van deze opnemingen wordt verwezen naar Werkkart.Chef 129. De uitgangspunten van de triangulatie bij Soewangi en de Noordingang Str. Laoet, destijds gelicht uit de kaart, zijn in de puntenlijst afd. VI opgenomen.
De verticale (en horizontale) getijbeweging is bij Soewangi, door de ontmoeting der beide getijgolven uit het Noorden en uit het Zuiden ingewikkeld, hetgeen beschreven wordt in Hydr. Rapport 1901 doos 1 - 72a.
Dit is van belang voor een toekomstige [illegible].
In 1923 zijn door de Topdienst bij de Noord- en Zuidingang van Str. Laoet astron. observaties verricht met nauwkeurige lengtebepalingen. De coördinaten hiervan zijn beschreven in "Jaarverslag Top.dienst over 1923" blz.6 en 7. De punten zijn afgezet op werkkart. Chef 129.

7° De Kloempangbaai (Werkkart. Chef 133).
Is in 1923 nieuw opgenomen op schaal 1:50.000. Zie H.R. doos 4-185.
Als uitgangspunt voor de triangulatie werden de coördinaten van de vlaggestok van Tandjoeng Baroe uit kaart 133 gelicht.
Deze vlaggestok verkeerde toen reeds in geheeltelijk vergane toestand en werd niet meer gebruikt. De basis werd bepaald door [illegible]meting. Het reductievlak werd 1½ dm (Zie Min. blad afd. VI B 72a) onder middenstand genomen. Dit vlak werd niet vastgelegd.

De getijconstanten.

1

De getijconstanten te Tg. Batoe, benaderd uit een korte serie (15 etm.) zijn verwerkt in de Zeem.gids N.O.I. II blz. 464.
Er zijn geen permanente punten van deze opname aanwezig.
Pilaren werden niet gesteld. De variatie werd bepaald, resultaat 3°-1' Oost.

8° [illegible] (vochkrt. chef 133).
Is in 1921 [illegible]; schaal 1 : 50.000 (Kin.blad afd. VI 300 a).
Hydr.rapport Do. 4-168.
Punt van uitgang voor de triangulatie de scherpe hoek Pasoekan en de Coördinaten uit de kaart genomen (2°-34'-22"ZB-116-28'-34"El Mer.Bat.ᵃ Oud).
Op Tg. Samalantakan werd een peilstaal geplaatst en de Constanten benaderd uit een serie van 15 etm.
Ze zijn verwerkt in Zeem.gids N.O.I. II blz. 464. Het reductievlak werd bepaald 2°-24'Oost. Pilaren werden niet gesteld.
Op ± 3,4 mijl beWesten Batoe Besar ligt het in 1923 nauwkeurig bepaalde A.S. 105 (zie vochkrt. chef 127 a).

9° [illegible] (vochkrt. chef 133 plan 1).
Hiervoor wordt verwezen naar de kaart.

10° [illegible]. (vochkrt.chef 122 en 127 a).
Een systematische opname van dit terrein, voornamelijk de oevers, is verricht in de jaren tussen 1897 en 1899.
Tot deze opname behoren de Hydr.rapporten in doos 1 nos. 36 t/m 39, 42 t/m 46 en 49 t/m 55.
Als uitgangspunt werd genomen een baak op de top van de heuvel van Nangka-Besar en de coördinaten, afgeleid uit een voormalige [illegible], die ook op kaart 122 voorkomen (rapport no.37), zodat de op dit punt gebouwde triangulatie in genoemde kaart paste.

[illegible]

Volgens de toen nieuwste ligging van Batavia 106°-48'37",05 O. (Thans genoemd Mer. Batavia Oud) werd voor het baak op Nangka-Besar aangenomen: 3°-5'12",88 en 116°-16'-6",36 E (Bat.ᵃ Oud), waarvan de breedte werd verkregen door een astron. observatie met het U.I. (vroeger gevonden voor de br. 3°-5'-13",86 S).
Op Pasean Besar, Tanj. [illegible] en Tanj. Aroe(vochkrt.chef.127a), welke in 1880 met het U.I. [illegible], voor zover deze observatieplaatsen waren terug te vinden, bakens geplaatst. De breedten hiervan werden bepaald met het U.I. en de lengten [illegible] van astron. peilingen.t.o.v. het uitgangspunt der triangulatie.
De uitkomsten der observaties herleid tot OL. van Batavia Oud (106°-48'-37",05 zijn als volgt:

Pasean Besar 1880	[illegible] S 116°-[illegible] E.	24.1897.	[illegible] 116°-[illegible] E.	[illegible]	[illegible] W.
Tanj.[illegible] 1880	2°-33'-[illegible] S 116°-30'-[illegible] E.	24.1897.	2°-33'-[illegible] S 116°-30'-[illegible]	[illegible]	[illegible] W.
Tanj. Aroe 1880	2°-[illegible] S 116 -34'-[illegible] E.	24.1897.	2°-[illegible] 116°-34'-[illegible] E.	[illegible]	[illegible] W.

De breedte-verschillen wijt de opnemer aan het niet juist terugvinden der oude observatieplaatsen. De lengteverschillen worden grotendeels toegeschreven aan het bepalen uit twee [illegible], waartussen een fout van ± 15" bestaat en niet mogelijk geacht in het terugvinden van de baak op Nangka Besar.
Op bovengenoemde plaatsen zijn in 1897 ter blijvende aanduiding piramidevormige bakens van ijzerhout geplaatst, bekleed met [illegible], wit geschilderd, ter hoogte van circa 12 meter.
Het onderhoud dier bakens werd, voor zover mogelijk, aan de zorg van het [illegible] opgedragen.

Voor variatie-

Voor variatie werd gevonden + 0° 24'.

De opname werd bij Tg Aroe, ± 30' [illegible] Str. Laut, afgebroken en daarna [illegible] de baai van Balik Papan opgenomen (RE deel 1 nos. 42 en 43). Als uitgangspunt werd hiervoor gebruikt het astron. punt Oudemans 1867 op de ZW hoek der baai, later door Tadama met peilingen weder aangegeven en (volgens Oudemans) liggende Op 1-16-14 ZB en 116-48-3,45 OL t.o.v. mer. Batavia Kleen.

Dit punt werd voor vermeld in Instructie nr. 28-1932.

Voor de baai van Balik Papan wordt verwezen naar vaktkaart Chef 130, waarop de [illegible] in 1929 en 1947 plaats gehad hebbende opnemingen op coördinaten der Topdienst van de [illegible] zijn vermeld.

Vervolgens werd de opname van de Kustoriëntatie der baai [illegible] met uitgangspunt Pelarang, het in 1898 [illegible] astron. bepaalde punt (deel 9 1869, 1880, 1883 en 1884, in Instr. O.I. nr. 29) liggende 0-33-27 Z en 117-11-13,0 (Bat.° meridiaan). Volgens deze opgave dus 117-11-21",25 t.o.v. Mer. Bat-Oud.

In de kaartbeschrijving 122 staat, dat kaart 125 (en dus ook kaart 122 waarvan het net aansluit aan kaart 125) is getekend volgens lengte Pelarang 117°-11'-20",25 O (een verschil van 1" gemeld met de opgave in genoemde Instructie nr. 29).

Met een bij Samarinda [illegible] gemeten basis werd de triangulatie tot aan de monding der [illegible] Djawa voltooid.

Vanaf dit eindpunt werd op een willekeurig aangenomen basis een triangulatie uitgevoerd tot aan het hoger genoemd astron. bepaalde punt Tg Aroe en vervolgens het gevonden verschil met dit punt, vereffend door een herberekening van alle tussenliggende punten.

Voor het tussenliggende punt in de ZW hoek der baai (P. Tobang) hogergenoemd, werd een verschil gevonden met Oudemans (1867) van 3,7 S en 1,2 O. (RE Dl. 1. nr. 52.)

De afstand tussen twee bakens, geplaatst op Tg Aroe en [illegible] uit de triangulatie vanaf [illegible] en de Kaart werd bepaald op 12103,97 meter, werd thans, uit de nieuwe triangulatie Kl. Djawa-Tg Aroe, berekend op 21406,3 meter.

De bovengenoemde kleine verschillen [illegible] een herberekening [illegible]. Het Kln. blad van de tweede opgenomen Balik Papanbaai werd voor de gevonden verschillen bij P. Tobang verbeterd ([illegible]).

Uit het bovenstaande volgt, dat de lengte van het [illegible] basis aangesloten is op de lengte van de observatieplaats Pelarang (Oudemans 1867, Tadama 1880, Kleen 1883 en 1884), op welke plaats in 1898 een zuil is geplaatst.

De diverse [illegible] opgaven zijn eveneens vermeld in vaktkaart Chef 127a en 130.

Ten opzichte van deze triangulatie werd nog vastgelegd de ligging van de bepaalde merkteken [illegible] in de opmeting der [illegible] [illegible] op 0°-44'-27" ZB en 117°-19'-30",3 OL.

Van deze merkteken werd ten opzichte van de [illegible] Pelarang (117°-11'-20",25) gevonden 0°-44'-26",3 ZB. en 117°-8',7 (de [illegible] zijn [illegible] volgt niet in Rapport nr. 35 vermeld).

Aan de Mahakamrivier bij Tanah Grogot ligt het in 1923 nauwkeurig bepaalde A.S. 104 (vaktkaart Chef 130).

11° De Kustopname is in de jaren 1931 (RE.° deel 7 nrs. 17, 18, 20 en 22) en in 1932 (RE deel 7 nrs. 6 t/m 67) nader opgenomen.

In 1931 werd de Boven Kedangrivier van Tenggarong tot Sebulu (vaktkaart Chef 130-plan 1) in kaart gebracht.

De opnemingen zijn verwerkt in kaart 130 uitgave 1934. Bij de triangulaties verricht in 1931 en 1932, werd uitgegaan van Top. gegevens.

De genoemde punten, met de voorgestelde correcties [illegible] tot het kaartnet zijn verwerkt in de vaktkaart Chef 130 en in de [illegible] lijst afd. II, evenals de [illegible] in 1947 plaats gehad hebbende [illegible].

In 1932 werden nauwkeurige gegevens verzameld (RE deel 5 no. 67) van de getijbeweging aan de baai waarvan de getijtafel voor de Kedangrivier-

kan worden gegeven.
In het detailboek Werkbladen afd. VI ligt een afzonderlijk Indexkaartje van [illegible], waarop de minuutbladen van de opnemingen na 1930 zijn geteekend.

12° De baai van Balik Papan, werd herapgenomen in 1924-1929-1933 en na de oorlog in 1947. De triangulatie berust sedert 1929 op Top.punten. Voor de gegevens voor toekomstige opnamen wordt verwezen naar Werkkaart Chef 130 (plan).

13° De Kleine Paternoster(Balabalagan-eilanden). Werkkaart Chef 127a. De westgroep van deze eilanden is opgenomen in de jaren 1892-93. Het archief bezit hiervan maar één Hydr.rapport (?) Doos 1-9, dat nagenoeg geen bijzonderheden bevat.
De Oostgroep en de daar beZuiden gelegen Oostelijke [illegible] zijn in de jaren 1894-'96 opgenomen.
Deze opname is beschreven in de Hydr. rapporten in doos 1 nos. 3 t/m 8,11,12,14,21,22 en 25 en zijn op de werkkrt. Chef 127a,128 en 174 aangegeven bij het betrekkelijk terrein.
Observatieplaatsen [illegible] bakens werden [illegible] pilaren gemaakt. De beschikbare gegevens zijn overigens de werkbladen en het "Beschrijvingsregister en Berekeningsboek" (afd. VI 37a), welke echter voor toekomstige herzieningen geringe of geen waarde hebben bezitten. Getijgegevens ontbreken.
Een zandbankje gelegen aan de Westelijke grens van de Paternostereilanden, werd in 1899 verbonden aan de triangulatie van de Oostkust Borneo (Hydr.Rapport Doos 1-55.).

14° Sangkoelirangbaai.
Hiervoor wordt verwezen naar de werkrt.Chef 171.

15° Opnemingsterrein tussen de [illegible] en 1°-10' Nb. [illegible] Kaniulibat. Zie werkrt. Chef 37.
De opname is verricht in de jaren 1899-1900 en beschreven in de Hydr. Rapporten doos 1 nos. 60 t/m 64 en 75.
De nos 63 en 64 handelen over de aansluiting met de triangulatie van de [illegible] (Kostarivier). De voor deze opname gebruikte observatieposten zijn vermeld in de aanvullingsinstructie voor de opneming van Str. Makassar van 1899 in deze Instructies boek I. blz. 336 (lengte t.o.v.Mer.Bat.°. 106°-48'-37",05).
Als uitgangspunt voor de triangulatie werd genomen de observatiepost Oudemans en Blaauw op de 20 punt van [illegible] (Zuidelijke ingang Sangkoelirangbaai, welke gemakkelijk werd teruggevonden en is aangegeven in bovengenoemde werkkrt. 37).
Hiervan werd door een astron. peiling rechtstreeks verbonden de Observatiepost Blaauw, 20 hoek "Soerabaai", en op deze basis "[illegible]-20 hoek Soerabaai" van ruim 20.000 meter Zuidwaarts getrianguleerd tot aansluiting werd verkregen met de observatiepost Oudemans 1867 op Batoe-Baas.
Noordwaarts werd getrianguleerd tot aan het eiland [illegible] Ketjil (Werkkrt Chef 37) bij een Observatiepost Blaauw 18[illegible], met slechts een verschil van 3" in breedte. Hierpunt voor de variatie gevonden + 2° [illegible] 48'. De overige in het terrein gelegen observatieposten werden in de triangulatie opgenomen en hun coördinaten vergeleken met die, gevonden uit de triangulatie. De verschillen zijn vermeld in HR. doos 1 no. 63 en 64.
De gehele opname werd tenslotte aangesloten op een punt van de opneming der [illegible] in 1898, [illegible] op de Observatiepost Pelarong, hetwelk is vermeld in HR doos 1 no. 63. Kaart 37 sluit dus evenals kaart 130, aan bij het A.S.Pelarong(0-33-50" S en 117-11-20",25. E.t.o.v. Mer. Bat.° Oud). Te Batoe Baas werd voor de variatie in 1900 gevonden + 2° 41.
Het verwerken der Min.bladen in de kaart is aangegeven in de Bronbeschrijving 37.

In de bovengenoemde rapporten worden geen permanente punten vermeld, noch vastgelegde reductieelementen voor toekomstige opname gebruikt zouden kunnen worden.

16° **Terrein Mangkalihat tot aan Engelse grens** (4°10' Nb).
(Zie werkkrt. - Chef 58 en 59.)

De systematische opname van bovengenoemd gebied heeft plaats gehad in de jaren 1901-1903 en is beschreven in de Hydr. Rapporten deel 1 nos 74 t/m 78 en 80 t/m 108.

Voor de triangulatie werd uitgegaan van de eindbakens van de in punt 16 beschreven opneming 1899-1900 bij Kanioengang Ketjil, even Zd. Mangkalihat (zie werkkrt. Chef 57).

Voor assistentie bij het triangulieren en meer in het bijzonder voor het opnemen der rivieren was een "adviesboot" beschikbaar.

Op de werkkaarten 57,58 en 59, benevens de detailkaarten der rivieren zijn de Hydr. rapporten genoemd in het betreffende gebied en op sommige kaarten op de achterzijde hiervan, is een toelichting geplaatst.

De beschrijving der rivieren in de rapporten is verwerkt in de Zeemansgids N.O.I. II.

De triangulatie van de rivieren werd verbonden aan punten van de hoofdtriangulatie bij de monding ervan. In sommige rapporten worden de door observatie bepaalde Variaties vermeld. Deze zijn op de werkkaarten geschreven.

In Hr. 1903 deel 1 no.107 worden enige astron. stations genoemd, welke met zekerheid werden teruggevonden en in de triangulatie werden opgenomen. In het genoemd rapport zijn ze volgens hun gewicht gerangschikt. Hoe dit gewicht werd bepaald wordt daarin echter niet vermeld.

De navolgende uitslag werd gevonden:

Plaats.	Gewicht.	Triangulatie van de opname 1903 geeft ten opzichte van de astron. plaatsbepaling.	
Zuidpunt Boenjoe	2	9",3 Noord	40",2 West.
Zuidhoek Sibetik	17	10",7 "	27",4 "
Noordhoek Oost-Noenoekan	18	12",3 "	15",0 "
Oosthoek-Noenoekan (belegpunt)	20	15",1 "	31",3 "
Eiland Zd. Sibetik (Sibatiek)	23	9",4 "	38",8 "
Zuidhoek Oost Noenoekan	25	21",3 "	35",3 "
Noordhoek Boenjoe	29	19",7 "	45",2 "
Kampong Sebatik	31	16",3 "	43",2 "
NW.hoek Tarakan	33	17",4 "	17",9 "
Z.punt Tarakan	34	20",0 "	30",9 "
Eiland Sinelak	36	20",4 "	16",0 "
Gemiddeld ongeveer		17".0 Noord	22".0 West.

Betreffende de aansluiting aan de Engelse opneming werd gevonden, dat onze triangulatie ten opzichte daarvan lag 16" Noord en 30" West. (Hr. deel 1/no. 106). Door de Engelse opneming met deze bedragen te verschuiven werd een "volmaakte" aansluiting met het kustgedeelte van ons verkregen. Of, wordt aangenomen, onze triangulatie met bovengenoemde bedragen verschoven van d.i. 16" Zuid en 30" Oost, dan zou onze opneming ongeveer komen te liggen op het gemiddelde der astron. bepaalde punten (zie tabel). Ten opzichte van 3 opgemeten grenzen gaf de triangulatie gemiddeld 13" Noord, zodat ze bij een bovengenoemde verschuiving van 16" en dus dus 3" te Zuidelijk zouden komen te liggen.

Ten aanzien van deze grenzen moet het volgende opgemerkt worden. De 3 grensbakens, opgericht in 1891 en zichtbaar uit zee zijn niet uit de astron. stations afgeleid, doch zij zijn door twee Nederlands-Engelse commissies geodetisch bepaald.

Hiertoe werd door de beide gemengde commissies in 1891 een observatie verricht op een punt van de Zuidkust van het eiland Oost Noenoekan. (zie werkkrt. Chef 59.).

Door de opname-

Door de opnemer werd dit punt in 1901 teruggevonden en hierop een pilaar, model T. Topdienst en voorzien van een koperen plaatje, gemerkt Hydro no.1, geplaatst. (NB. deel 1 no. 14).
Van deze pilaar, opgenomen in de puntenlijst afd. VI no.16, bestaan nu overigens nog de volgende gegevens:

Breedte	Lengte	
4-8-40"N	117-39-12",3 E	De coördinaten zijn tweemaal bepaald, zowel door Engeland als Nederland. Lengte door 8 tijdmeters overgebracht van Darvelbay. [illegible]
4°-8'-39",1 N	117-38-44,5 E	Deze coördinaten met uitgangspunt [illegible] in de tabel vermeld. Lengte afgeleid uit: Makassar-[illegible] Lucialaut.

(Terwijl dus de breedte overeenstemt, bestaat er een verschil in lengte van 28").
In de kaartbeschrijving 59 is genoteerd, dat de Minuutbladen ongewijzigd zijn overgenomen en slechts de meridianen op de Engelse Adm.kaart 1681 20" om de Oost zijn verplaatst. Een verklaring voor deze correctie wordt daarin niet vermeld.
Aandacht verdient de volgende aantekening in genoemde kaartbeschrijving: "Het NO gedeelte van kaart 59 is slecht getekend. Op vele plaatsen zijn land en eilanden gecorrigeerd".

17e Betreffende de Hydr.gegevens van de Beraoe-Boelongan- en Sesajaprivier wordt verwezen naar de verkenkaarten Chef en de daarop geplaatste toelichting respectievelijk de nos. 255,256,257 en 259.
De gegevens van de getijbeweging zijn verwerkt in de Zeem.Gids van O.I.II.
In de oude opnemingen werden geen middenwaterstandvlakken vastgelegd.

18e Samenvattend berust dus de opname van de O.kust van Borneo in de jaren 1897-1899 en 1901-1903 in het kort op het volgende: (Zie bijl.n blad I en II).

a De Oostkust is aangesloten aan kaart 122, welke weder aansluit aan de Zuidkust van Borneo. Uit kaart 122 werd een kenbare boom op het hoogste punt van Pm Mengka Br (± 7 mijl bew. de Noordingang van Str. Laoet), waarvan de coördinaten t.o.v. genoemde kaart bekend waren, als uitgangspunt aangenomen.
De hierop Noordwaarts opgebouwde triangulatie is aangesloten op A.S.Palaras.
Op dit punt werd vervolgens (1901-1903) en de Noord gewerkt (en voorlopig bepaalde basis in de Sangkoelirangbaai werd vereffend door aansluiting op een triangulatieserie van de [illegible] 1899) en zonder wijziging voortgezet tot aan de Engelse grens (4°-10' Nb).
Het bew. deze grens gelegen Engelse gebied werd overgenomen van de Engelse adm.krt.n 1681 en 2099, waarbij de meridianen (volgens Zeem.kaart 4404, kaartbeschrijving 59) / 20" om de Oost werden verplaatst.
Op de aanhaal van de Minuutbladen werd geen correctie toegepast, behalve op Minuutblad afd.VI B 36a, dat verwerkt is in kaart 122.
Voor de wijze waarop dit verwerken is geschied, raadplege men de Kaartbeschrijving van deze kaart. (Bij het afnemen van punten of afstanden hieruit voor Hydr.werk wordt dit van belang geacht).

b De gegevens van vrijwel alle in de Hydr. rapporten genoemde astron.stations van Oudemans en Tadema zijn vermeld in De Instr.(O.I.) boek I o.a. op bls.n 54,336 en 337, terwijl op bls. 62 verwezen wordt naar het "Natuurkundig tijdschrift voor Ned. Indie, deel 31 zevende serie, deel I 1870", waar het verslag van de bepaling der geografische ligging van punten aan de Z- en O-kust van Borneo door Oudemans in 1867 is te vinden.

[illegible] Top.dienst Jaarverslag [illegible] 1938 b.7.

De stand van de opnemingen van de Top.dienst blijkt o.a. uit het Jaarverslag van de Top.dienst over 1938 blz. 19 en 20.
Het kaartje geeft aan dat de Top.Opneming, wat het kustgedeelte betreft van Bandjermasin tot Tg. Selatan en vervolgens tot aan de Klumpangbaai, benevens de eilanden P.Laut en P.Sebuku, gereed is.
Ook het gebied tussen [illegible] Balik Papan en de Noordzijde van de Koetei Delta is geheel topografisch vastgelegd.
De Toppilaren, gelegen aan of nabij de kust zijn aangegeven op de Werkkrt. Chef.

19⁰ Enige onderwerpen in de jaarverslagen Top-dienst N.I. welke van belang zijn voor de Hydrografie ter Oostkust Borneo.

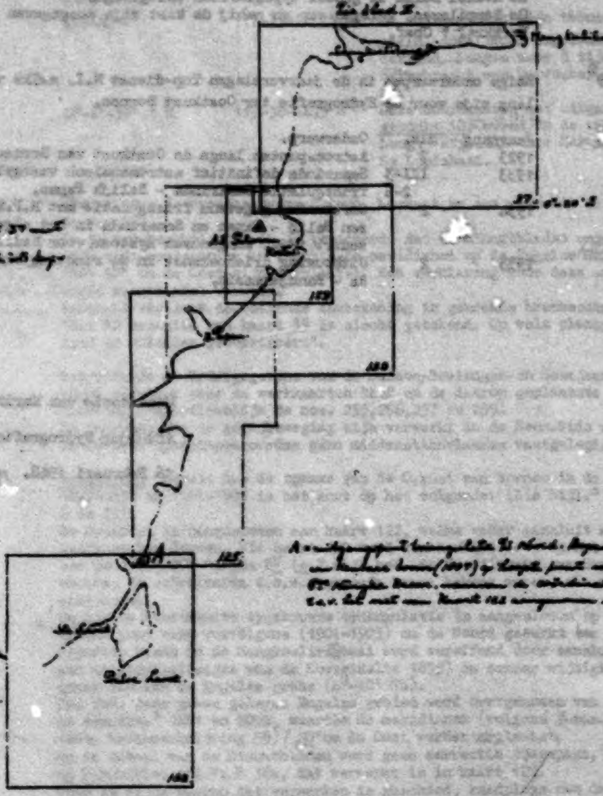
Jaargang	Blz.	Onderwerp.
1923	7	Astron.punten langs de Oostkust van Borneo.
1933	III-3	Samarinda definitief astronomisch vastgelegd.
	2-6	Triangulatie Samarinda - Balik Papan.
1934	2	Overbrenging gegevens Triangulatie met B.P.M. tussen Balik - Papan en Samarinda in het algemeen, sedert 1934, aangenomen systeem voor Ned.Indië.
1935	2	Uitbreiding driehoeksnet in de richting Samarinda - Bandjermasin.

Ministerie van Marine,

Afdeling Hydrografie,

16 Februari 1948.

Kaarten Oost-kust Borneo van Str. Laut tot Koetei-delta — (en Mangkalihat)


Tg. Mangkalihat
57 1°20' S
153
180
125
A
188
Pulau Laut

[illegible] kaart 57 [illegible] [illegible] [illegible]
S. Liggen

A = uitgangspunt triangulatie Z.O. Borneo. Bepaald [illegible] [illegible] (1887) op [illegible] punt [illegible] [illegible] Borneo. [illegible] de coördinaten [illegible] kaart 153 [illegible] [illegible]

[illegible] kaarten Oost Borneo [illegible] van 1922 [illegible] 5.

Kaart 153 schaal 1:75.000, overige 1:200.000.

[illegible] Hydr. [illegible] 4000).

Blad [illegible] uitgave 122
[illegible]
Hoofdbl. [illegible]
[illegible]

A (4e kwart. Hoogte B°.) = aansluitingspunt 122 en 125.
De gegeven [illegible] ligt op dezelfde hoogte als kaart 122. Kaart 122 is uitgegeven door Hoofd. Afd. II B.K., waarin de [illegible] 17° [illegible] [illegible] aangebracht (zie aanteekening 122)

([illegible])

Kaart 125: is gebaseerd volgens lengte Palasan 87°-51'-20,35 O. (Bat. Oost).
[illegible] en omgeving liggen op deze kaart 10" N lager en 20" N lager, dan op de aangrenzende kaart 130 (zie ook op kaart 125).
Kaartbeeld t.o.v. Mer. Bat. Oost. Uitgave 1900.
Bulungan in 1903 opgenomen volgens Top. gegevens. [illegible] [illegible] in de kaart [illegible] en [illegible] (zie [illegible] lat 130). [illegible] t.o.v. A.S. 130 volgens Top. [illegible] en 116°-48'-30,30 [illegible] (Bat. Noord).

[illegible] in 1907

Kaart 130. Uitgegeven in 1935. Kaartbeeld t.o.v. Mer. Bat. Noord.
[illegible] in 1932 opgenomen volgens Top. gegevens. Ter aangenomen A.S. Palasan: 0-33-57.58 en 117°-0'-16" ZE. ([illegible])
" 0-33-39.30 ; 117-0-28.46 ; t.o.v. de kaart:
= 0 + 8.33 + 37.20

Kaart 153. Uitgave 1934. Kaartbeeld t.o.v. Mer. Bat. Noord.

Kaart 87. Uitgave 1907. Kaartbeeld t.o.v. Mer. Bat. Oost. Deze aangegeven [illegible]
Schets [illegible] bij lat 130 (t.o.v. A.S. Palasan).

Kaart 122. Uitgave 1902. Kaartbeeld t.o.v. Mer. Bat. Oost. Gebaseerd volgens [illegible] 1889-1890 Afd. II B.K. [illegible] [illegible] zie aanteekening 122 ([illegible] in de kaart).

Mer. Bat. Noord + 2°06 = Mer. Bat. Oost

Jan 1940

de grens (4°10' NB) met enige Hydr. aantekeningen (1948).

Kaart 2099 (Br. Adm. kt.). Uitgave 1938. Schaal 1:96.900. Kaartvlak t.o.v. Mer. Sandakan 118°-7'-20".5 E. T.o.v. Mer. Sandakan Nieuw 118°-7'-10".5 moeten dus alle lengten op de kaart met 10" verminderd worden (volgens noot in de legenda van de kaart). [Sandakan ligt ± 100' uit het. [illegible]

Kaart 1681 (Br. Adm. kt.): Nieuwe uitgave 1914. Schaal - : Kaartvlak t.o.v. Mer. Sandakan (Nieuw) 118°-7'-20".5 E.

Kaart 59. Uitgave 1905. Kaartvlak t.o.v. Bat^a Oud. Een verkleining van de Engelse opname van kaart 50, waarin de meridianen op de Br. Adm. kt. 1681 20" naar de Oost verplaatst. In de kaartverklaring staat: „Het NO gedeelte van kaart 59 is slecht getekend. Op vele plaatsen zijn land en eilanden [illegible]."

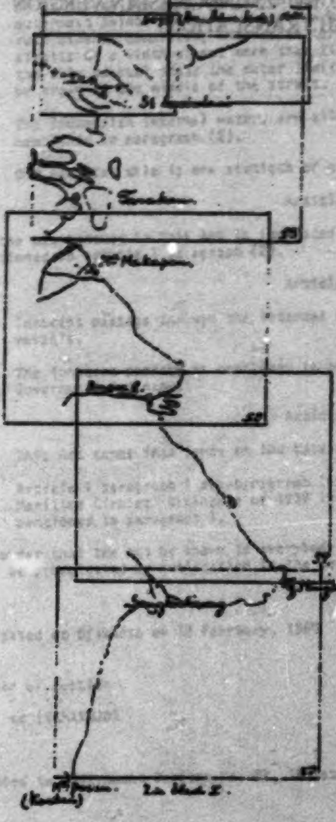
Kaart 58. Nieuwe uitgave 1925. Kaartvlak t.o.v. Mer. Bat^a Oud.

Kaart 57. Nieuwe uitgave 1925. Kaartvlak t.o.v. Mer. Bat^a Oud.

Kaart 37. Uitgave 1907. Kaartvlak t.o.v. Mer. Bat^a Oud. Daarin aangenomen t/s Sungkoalirangkaai. De triangulatie aansluiten en verbeteren in de kaartvlak t.o.v. A.S. Pilarung. Zie blad I.

II.

Kaarten Oostkust Borneo van Kutei-delta t/m E.


51
53
55
57
Sangkulirang
2e blad I.

Vet. Kaarten zijn overgenomen uit de Catalogus N.I. kaarten — vergroot [illegible]. Schaal 1:1000000

[illegible] Kst. zijn geschetst. Schaal 1 : [illegible]

Annex 128

ACT NO. 4 CONCERNING INDONESIAN WATERS OF 18 FEBRUARY 1960, IN THE *STATE GAZETTE* 1960, NO. 22 (INDONESIAN VERSION AND ENGLISH TRANSLATION)

Act Concerning Indonesian Waters:

Article 1

(1) The Indonesian waters consist of the territorial sea and the internal waters of Indonesia.

(2) The Indonesian territorial sea is a maritime belt of a width of 12 nautical miles, the outer limit of which is measured perpendicular to the baselines or points on the baselines which consist of straight lines connecting the outermost points on the low water mark of the outermost islands or part of such islands comprising Indonesian territory with the provision that in case straits of a width of not more than 24 nautical miles and Indonesia is not the only coastal state the outer limit of the Indonesian territorial sea shall be drawn at the middle of the strait.

(3) The Indonesian internal waters are all waters lying within the baselines mentioned in paragraph (2).

(4) One nautical mile is one sixtieth of a meridian.

Article 2

On the map annexed to this Act is indicated the position of the points and baselines mentioned in article 1 paragraph (2).

Article 3

(1) Innocent passage through the internal waters of Indonesia is open to foreign vessels.

(2) The innocent passage as mentioned in paragraph 1 shall be regulated by Government Ordinance.

Article 4

(1) This Act comes into force on the date of its promulgation.

(2) Article 1 paragraph 1 sub-paragraph 1 to 4 of the Territorial Sea and Maritime Circles' Ordinance of 1939 is no longer valid as from the date mentioned in paragraph 1.

In order that the Act be known to everybody whomsoever it is instructed that this Act be promulgated by publication in the Government Gazette.

Done at Djakarta on 18 February, 1960

President of the Republic of Indonesia

sd. (SOEKARNO)

Promulgated at Djakarta on 18 February, 1960

Minister of Justice

sd (SAHARDJO)

Published in Government Gazette No. 22, 18 February 1960.

LOCATION OF POINTS OF BASELINES OF THE INDONESIAN WATERS

Note

U = Utara = North
S = Selatan = South
T = Timur = East
B = Barat = West

REFERENCE NUMBER	CO-ORDINATES OF POINTS				LOCATION
	LATITUDE		LONGITUDE		
1.	01° - 13.8	U	104° - 25.6	T	Tg. Berakit.
1A.	01 - 02.9	U	104 - 40.7	T	Sentut.
2.	00 - 56.0	U	104 - 55.8	T	Merapas.
3.	00 - 34.4	U	105 - 13.7	T	Nudu.
4.	00 - 18.0	S	105 - 01.0	T	[illegible]
5.	00 - 45.7	S	104 - 56.2	T	Saja.
6.	01 - 08.5	S	105 - 16.9	T	P. Pekatjang.
7.	[illegible]	S	106 - 46.4	T	Toty.
8.	01 - 36.0	S	106 - 05.[illegible]	T	Pumpoet.
9.	02 - 16.4	S	106 - 30.7	T	-
10.	02 - 24.1	S	107 - 04.8	T	Gaspar.
11.	02 - [illegible]	S	107 - 37.0	T	Langkuas.
12.	02 - 31.4	S	107 - 49.1	T	Tg. [illegible]
13.	02 - 39.5	S	108 - 12.2	T	Busung Serlang.
14.	01 - 42.0	S	108 - 41.1	T	Serutu.
15.	01 - 15.9	S	108 - 52.4	T	Leman.
16.	00 - 07.2	U	108 - 36.1	T	Datu.
17.	00 - 14.7	U	108 - 01.3	T	Pengikit.
18.	00 - 22.3	U	107 - 14.[illegible]	T	Pandjantan.
19.	00 - 33.1	U	106 - 58.2	T	Anak Awur.
20.	00 - 55.2	U	106 - 44.3	T	Tokong Nanas.
21.	01 - 22.2	U	106 - 26.6	T	Kaju Ara.
22.	02 - 18.1	U	105 - 35.8	T	Malang Biru.
23.	02 - 44.8	U	105 - 22.0	T	Damar.
24.	03 - 06.9	U	105 - 38.8	T	Mangkai.
25.	03 - 19.8	U	105 - 57.9	T	Nenas.
26.	03 - 26.4	U	106 - 16.0	T	Salajar.
27.	03 - 18.0	U	107 - 23.3	T	[illegible]
28.	03 - 55.0	U	107 - 54.0	T	Saler.
29.	04 - 31.1	U	107 - 43.9	T	Semiuta.
30.	04 - 48.0	U	108 - 01.3	T	Sekatung.
31.	04 - 01.1	U	108 - 25.9	T	Senua.
32.	03 - 03.3	U	108 - 52.2	T	Subi.
33.	02 - 38.5	U	109 - 10.8	T	Kepala.
34.	02 - 04.1	U	109 - 08.9	T	Perundung.
35.	02 - 05.2	U	109 - 38.3	T	Tg. Datu.
36.	04 - 10.0	U	117 - 53.7	T	Tg. Saime.
36A.	04 - 07.6	U	117 - 55.3	T	–
36B.	04 - 03.7	U	117 - 55.5	T	–
37.	03 - 28.5	U	117 - 52.5	T	Tg. Arang.
38.	02 - 22.2	U	118 - 12.2	T	Pandjong.
39.	02 - 19.9	U	118 - 33.8	T	Tg. Bui Tuwattan.
40.	01 - 45.4	U	119 - 01.7	T	Sambit.

LOCATION OF POINTS OF BASELINES OF THE INDONESIAN WATERS (Cont'd)

REFERENCE NUMBER	CO-ORDINATES OF POINTS						LOCATION
	LATITUDE			LONGITUDE			
41.	01°	- 01.3	U	118°	- 59.6	T	Tg. Mangkalihat.
42.	00	- 35.3	U	119	- 47.9	T	Tuguan.
43.	01	- 00.3	U	120	- 12.8	T	Lingian.
44.	01	- 29.3	U	120	- 47.8	T	Straat Kaser.
44A	01	- 22.6	U	120	- 53.6	T	Balangan.
45.	01	- 19.2	U	121	- 28.1	T	M. Kandi.
46.	01	- 02.2	U	122	- 27.0	T	Tg. Sumalata.
47.	00	- 58.0	U	123	- 15.0	T	Tg. Dulang.
48.	01	- 09.6	U	124	- 20.1	T	Tg. Lainsangi.
49.	01	- 45.2	U	124	- 43.9	T	Tantarama.
50.	02	- 21.3	U	125	- 17.6	T	Pasige.
51.	02	- 44.8	U	125	- 9.5	T	Makalehi.
52.	03	- 42.9	U	125	- 23.9	T	Tg. Talawid.
53.	04	- 14.0	U	125	- 19.1	T	Kawaluso.
54.	04	- 40.4	U	125	- 25.6	T	Kawio.
55.	04	- 44.8	U	125	- 28.5	T	Marore.
56.	05	- 34.8	U	126	- 36.8	T	Miangas.
57.	04	- 45.0	U	127	- 09.0	T	Marampit.
58.	04	- 37.4	U	127	- 08.2	T	Kakarutan.
59.	02	- 45.6	U	128	- 51.2	T	Dorman.
60.	02	- 38.6	U	128	- 33.9	T	Tg. Bawi.
61.	02	- 30.3	U	128	- 40.4	T	Tg. Gorango.
62.	01	- 32.7	U	148	- 43.9	T	Gam Tjoho.
63.	00	- 43.3	U	129	- 06.1	T	Jiew.
64.	00	- 20.8	U	129	- 52.6	T	Af.
65.	00	- 32.0	U	130	- 44.0	T	Budd.
66.	01	- 04.[illegible]	U	131	- 15.6	T	Fani.
67.	00	- 36.0	U	131	- 11.9	T	Aju eiln.
68.	00	- 11.0	S	131	- 18.3	T	M. Lamarche.
69.	00	- 43.3	S	131	- 32.5	T	Bora Maam Ei.
70.	00	- 20.3	S	132	- 10.3	T	Miss Sea.
71.	00	- 21.1	S	132	- 43.0	T	Kaisang Kaap.
72.	00	- 54.8	U	134	- 17.2	T	Mapia Eil.
73.	00	- 11.3	S	134	- 59.1	T	Adoor.
74.	00	- 23.5	S	135	- 16.1	T	Bepondi.
75.	00	- 41.4	S	144	- 23.9	T	Tg. Sabloet.
76.	00	- 42.1	S	135	- 48.3	T	Tg. Praichart.
77.	01	- 04.9	S	136	- 23.3	T	Tg. Narari.
78.	01	- 27.8	S	137	- 55.0	T	Hoek d. Urville.
79.	01	- 35.8	S	138	- 43.0	T	Liki.
80.	02	- 18.5	S	140	- 07.0	T	Tg. Kandari.
80A	02	- 26.2	S	140	- 36.9	T	-
81.	02	- 36.2	S	141	- 00.0	T	Sinobo.
82.	09	- 12.7	S	141	- 01.7	T	-
83.	09	- 00.4	S	140	- 49.9	T	Hamme.
84.	08	- 09.8	S	139	- 52.8	T	Blak R.
85.	08	- 12.8	S	139	- 20.8	T	Walch.
86.	08	- 22.9	S	138	- 54.8	T	Kaap Keel.
87.	08	- 25.1	S	138	- 47.7	T	Jan Deen.
88.	08	- 27.0	S	137	- 38.1	T	Kaap Valsch.
89.	06	- 55.1	S	138	- 32.3	T	De Jong's punt.
90.	06	- 22.0	S	138	- 24.5	T	Cook R.

LOCATION OF POINTS OF BASELINES OF THE INDONESIAN WATERS (Cont'd)

REFERENCE NUMBER	CO-ORDINATES OF POINTS						LOCATION
	LATITUDE			LONGITUDE			
91.	05°	- 43.1	S	133°	- 05.0	T	
92.	05	- 22.[illegible]	S	137	- 43.0	T	Laag I.
93.	04	- 55.0	S	136	- 49.8	T	Ka. Steenboom.
94.	04	- 33.8	S	136	- 07.0	T	Amarapaja.
95.	04	- 27.7	S	135	- 12.8	T	Tg. Romarial.
96.	05	- 19.3	S	134	- 38.0	T	Warilaea.
97.	05	- 22.4	S	134	- 44.1	T	Djesan Ell.
98.	06	- 04.5	S	134	- 52.0	T	Kawoera ell.
99.	06	- 19.7	S	134	- 52.2	T	Penambelai.
100.	06	- 52.5	S	134	- 43.4	T	Kultu Bal.
101A.	07	- 01.8	S	134	- 40.1	T	Karang.
101.	07	- 07.3	S	134	- 28.9	T	Enu.
102.	06	- 57.2	S	134	- 10.8	T	Tg. Ngaberdamlu.
103.	06	- 00.3	S	132	- 53.2	T	Tg. Vedwar.
104.	07	- 15.0	S	131	- 59.0	T	Larat.
105.	08	- 03.8	S	131	- 17.5	T	Asutubun.
106.	08	- 03.0	S	131	- 10.5	T	Adaut.
107.	08	- 21.6	S	130	- 48.5	T	Bat Arkusu.
108.	08	- 13.7	S	129	- 50.1	T	Masela.
109.	08	- 22.0	S	128	- 31.0	T	Meaty Miarang.
110.	08	- 14.7	S	127	- 38.0	T	Luhulele.
111.	08	- 06.4	S	127	- 09.5	T	Jen Tu.
112.	07	- 58.7	S	126	- 28.2	T	Iden.
113.	08	- 01.1	S	125	- 48.6	T	Pipia.
114.	08	59.0	S	124	- 24.0	T	-
115.	09	- 08.0	S	124	- 00.0	T	-
116.	09	- 28.0	S	125	- 05.1	T	Mota Massin.
117.	09	- 38.3	S	124	- 58.7	T	Tg. We Toh.
118.	10	- 09.1	S	125	- 00.0	T	-
119.	10	- 16.5	S	124	- 01.0	T	-
120.	10	- 49.6	S	123	- 13.4	T	Pulen.
121.	11	- 00.9	S	122	- 52.5	T	Dana.
122.	10	- 37.5	S	121	- 50.3	T	Tg. Merabu.
123.	10	- 50.0	S	121	- 17.0	T	Dana.
124.	10	- 13.0	S	120	- 27.2	T	Tg. Ngadju.
125.	10	- 20.6	S	120	- 06.3	T	Alangwatu.
126.	09	- 48.0	S	119	- 23.6	T	Tg. Ana.
127.	09	- 45.5	S	119	- 11.6	T	Tg. Manbo.
128.	09	- 40.5	S	119	- 02.0	T	-
129.	08	- 53.6	S	118	- 29.9	T	Toro Doro.
130.	09	- 06.8	S	117	- 02.0	T	Tg. Talonan.
131.	08	- 54.3	S	116	- 00.9	T	Tg. Pangga.
132.	08	- 50.0	S	115	- 50.3	T	Tg. St. Gendang.
133.	08	- 49.4	S	115	- 35.9	T	Nusa.
134.	08	- 51.0	S	115	- 08.1	T	Tafelhoek.
135.	08	- 46.4	S	114	- 30.9	T	Tg. Bantenan.
136.	08	- 44.5	S	114	- 20.8	T	Tg. Purwa.
137.	08	- 39.0	S	114	- 01.5	T	Mensaka.
138.	08	- 30.0	S	113	- 18.5	T	Barung.
139.	08	- 24.0	S	111	- 42.2	T	Sekel.
140.	08	- 12.1	S	110	- 42.2	T	-
141.	08	- 08.5	S	110	- 33.0	T	-

LOCATION OF POINTS OF BASELINES OF THE INDONESIAN WATERS (Cont'd)

REFERENCE NUMBER	CO-ORDINATES OF POINTS						LOCATION
	LATITUDE			LONGITUDE			
142.	07	- 47.0	S	108	- 25.2	T	St. Tapur.
143.	07	- 47.3	S	108	- 02.1	T	Kamangan.
144.	07	- 49.0	S	108	- 28.1	T	-
145.	07	- 44.3	S	107	- 30.0	T	Tg. Gedeh.
146.	07	- 23.3	S	106	- 24.5	T	Genteng.
147.	07	- 01.2	S	105	- 31.6	T	Deli.
148.	06	- 50.5	S	105	- 14.5	T	Tg. Guha Kolam.
149.	06	- 27.8	S	105	- 06.0	T	Ganalla.
150.	05	- 57.0	S	104	- 35.8	T	Balimbing.
151.	05	- 38.1	S	104	- 18.1	T	-
152.	05	- 14.5	S	103	- 54.3	T	Ug. Walor.
153.	04	- 49.0	S	103	- 20.1	T	Tg. Bandar.
154.	04	- 33.1	S	102	- 13.0	T	-
155.	04	- 22.1	S	102	- 05.3	T	Tg. Kosam.
156.	04	- 02.0	S	101	- 02.1	T	Mega.
157.	03	- 21.3	S	100	- 27.8	T	-
158.	03	- 18.0	S	100	- 19.9	T	Baru - Baru.
159.	02	- 30.0	S	99	- 59.6	T	Tg. Batal.
160.	02	- 10.0	S	98	- 56.7	T	Tg. Simaliums.
161.	01	- 41.0	S	98	- 32.6	T	Siberut.
162.	01	- 12.4	S	98	- 25.0	T	Siberut.
163.	00	- 05.5	S	97	- 11.8	T	Tg. [illegible]
164.	[illegible]	[illegible]	[illegible]	97	- 40.3	T	Loguadi.
165.	[illegible]	- 12.0	[illegible]	97	- 20.3	T	Bala.
166.	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	T	[illegible]
167.	[illegible]	- 12.0	U	[illegible]	[illegible]	T	Tg. [illegible]
168.	[illegible]	- 04.1	U	96	- 00.1	T	Sibl.
169.	[illegible]	[illegible]	U	96	- 27.6	T	[illegible]
170.	02	- 38.0	U	95	- 47.6	T	Weben Pil.
172.	[illegible]	- 07.4	U	95	[illegible]	T	[illegible]
173.	[illegible]	- 56.3	U	[illegible]	[illegible]	T	[illegible]
174.	04	- 52.0	U	95	- 22.0	T	Raja.
175.	05	- 17.0	U	95	- 11.9	T	Rusa.
176.	05	- 48.0	U	94	- 57.5	T	[illegible] Wart E.
177.	05	- 55.0	U	95	- 07.8	T	Rondo.
178.	05	- 54.0	U	95	- 20.8	T	Ie Meule.
179.	05	- 30.4	U	95	- 53.0	T	Ug. Pidie.
180.	05	- 16.5	U	96	- 40.5	T	Ug. Peusangan.
181.	05	- 17.0	U	97	- 23.0	T	-
182.	04	- 53.0	U	97	- 55.0	T	Ug. Peureula.
183.	03	- 55.5	U	98	- 40.5	T	Ug. Tamiang.
184.	03	- 47.4	U	99	- 23.5	T	Berhala.
185.	02	- 52.9	U	100	- 33.6	T	[illegible]
186.	02	- 9.4	U	101	- 39.5	T	Tg. Medang.
187.	01	- 46.0	U	102	- 33.0	T	Tg. Kedabu.
188.	01	- 11.6	U	103	- 21.8	T	Tjia.
189.	01	- 10.0	U	103	- 23.4	T	Karimun.
190.	01	- 09.2	U	103	- 38.3	T	Nipa.
191.	01	- 7.9	U	103	- 42.0	T	-
192.	01	- 10.9	U	103	- 32.3	T	Berhanti.
193.	01	- 18.8	U	104	- 04.5	T	[illegible]
194.	01	- 13.3	U	104	- 13.3	T	Tg. Sading.
195.	01	- 13.8	U	104	- 13.8	T	Tg. Berakit.

SEKRETARIAT NEGARA

SALINAN

UNDANG-UNDANG NO. 4 PERATURAN PEMERINTAH TAHUN 1960

TENTANG

PERAIRAN INDONESIA

PRESIDEN REPUBLIK INDONESIA

Menimbang
1. bahwa bentuk geografi Indonesia sebagai suatu negara kepulauan yang terdiri dari beribu-ribu pulau mempunyai sifat dan corak tersendiri.
2. bahwa menurut sejarah sejak dahulu kala kepulauan Indonesia merupakan suatu kesatuan.
3. bahwa bagi keutuhan wilayah Negara Indonesia semua kepulauan serta laut yang terletak diantaranya harus dianggap sebagai suatu kesatuan yang bulat.
4. bahwa penentuan batas laut wilayah seperti termaktub dalam Territorial Zee en Maritieme Kringen Ordonantie 1939 (Staatsblad 1939 No. 442) pasal 1 ayat (1) tidak lagi sesuai dengan pertimbangan-pertimbangan tersebut di atas, karena membagi wilayah daratan Indonesia dalam bagian-bagian yang terpisah dengan laut wilayahnya sendiri-sendiri.
5. perlu mengadakan Peraturan Pemerintah Pengganti Undang-Undang tentang perairan Indonesia yang sesuai dengan kenyataan-kenyataan tersebut di atas.

Mengingat : Pasal 5 ayat (1) Undang-Undang Dasar Republik Indonesia.

Mendengar : Musyawarah Kabinet Kerja pada tanggal 20 Januari 1960.

MEMUTUSKAN

Menetapkan : PERATURAN PEMERINTAH PENGGANTI UNDANG-UNDANG TENTANG PERAIRAN INDONESIA.

Pasal 1

(1) Perairan Indonesia ialah laut wilayah Indonesia beserta perairan pedalaman Indonesia.

(2) Laut Wilayah Indonesia ialah lajur laut selebar duabelas mil laut yang garis luarnya diukur tegak lurus atas garis-garis dasar atau titik pada garis dasar yang terdiri dari garis-garis lurus yang menghubungkan titik-titik terluar pada garis air-rendah daripada pulau-pulau atau bagian pulau-pulau yang terluar dalam wilayah Indonesia dengan ketentuan bahwa jika ada selat yang lebarnya tidak melebihi duapuluh empat mil laut dan negara Indonesia tidak merupakan satu-satunya negara tepi, maka garis-garis laut wilayah Indonesia ditarik pada tengah selat.

(3) Perairan pedalaman Indonesia ialah semua perairan yang terletak pada sisi dalam dari garis dasar sebagai yang dimaksud pada ayat (1).

(4) Mil-laut ialah, seperempat puluh derajat lintang.

Pasal 2

Pada peta yang dilampirkan pada Peraturan ini dilukiskan dengan jelas letaknya titik-titik serta garis-garis yang dimaksudkan dalam pasal 1 ayat (2).

Pasal 3

(1) Lalu lintas laut damai dalam perairan pedalaman Indonesia terbuka bagi kendaraan air asing.
(2) Dengan Peraturan Pemerintah dapat diatur lalu-lintas laut damai yang dimaksud pada ayat (1).

Pasal 4

(1) Peraturan Pemerintah pengganti Undang-undang ini mulai berlaku pada hari diundangkannya.

(2) Mulai hari tersebut pada ayat (1) tidak berlaku lagi pasal 1 ayat (1) angka 1 sampai dengan 4 Territoriale Zee en Maritieme Kringen Ordonnantie 1939 (Staatsblad 1939 No. 442).

Agar supaya setiap orang dapat mengetahuinya memerintahkan pengundangan Peraturan Pemerintah Pengganti Undang-Undang ini dengan penempatan dalam Lembaran Negara Republik Indonesia.

Ditetapkan di Jakarta
pada tanggal 18 Pebruari 1960
PRESIDEN REPUBLIK INDONESIA
ttd.

SUKARNO

Sesuai dengan yang asli
SEKRETARIS I PRESIDEN
ttd

Mr. Santoso

Diundangkan di Jakarta
pada tanggal 18 Pebruari 1960
MENTERI I (MUDA) KEHAKIMAN
ttd

SAHARDJO

LEMBARAN NEGARA TAHUN 1960 No. 22
Disalin sesuai bunyi dari aslinya
KASIDUKKUMLA DITOPSLATAL
ttd
R.M. MANURUNG, SH
LTK LAUT (A) NRP. 6494/P

MEMORI PENJELASAN
MENGENAI
PERATURAN PEMERINTAH PENGGANTI UNDANG-UNDANG
TENTANG
PERAIRAN INDONESIA

1. PENJELASAN UMUM :

Sejak beberapa waktu lamanya telah dirasakan perlunya meninjau kembali penentuan batas laut wilayah sesuai dengan sifat khusus negara kita sebagai negara kepulauan dan kebutuhan serta kepentingan rakyat Indonesia, laut wilayah sebagai bagian dari pada wilayah negara yang terdiri dari wilayah daratan, lautan dan udara merupakan bagian yangpenting bagi negara Indonesia mengingat bentuk negara yang terdiri dari beribu-ribu pulau.

Penentuan batas laut wilayah (Laut Territorial - territorial sea) seperti termaktub dalam "Territoriale Zee en Maritieme Kringen Ordonantie tahun 1939" (Staatsblad 1939 No. 442) yang dalam pasal 1 ayat (1) antara lain menyatakan bahwa laut wilayah Indonesia itu lebarnya 3 mil laut di ukur dari garis air rendah dari pada pulau-pulau dan bagi pulau yang merupakan bagian dari wilayah daratan dari Indonesia, dirasakan tidak sesuai lagi dengan keadaan sekarang dan perlu ditinjau kembali.

Keberatan pokok terhadap cara penentuan batas laut wilayah yang disebutkan di atas adalah bahwa cara tersebut tadi kurang atau sama sekali tidak memperhatikan sifat khusus dari pada Indonesia sebagai suatu negara kepulauan (archipelago). Menurut cara pengukuran laut wilayah yang lama ini yaitu dihitung dari baseline yang berupa garis air rendah secara teoritis setiap pulau di Indonesia itu mempunyai laut wilayahnya sendiri-sendiri. (Kepulauan Indonesia terdiri dari kurang lebih 13.000 pulau-pulau dari jumlah mana kurang lebih 3000 yang didiami orang). Sekalipun beberapa buah pulau yang jarak antaranya kurang dari 6 mil laut dianggap sebagai kelompok, namun dengan cara pengukuran yang berpangkal pada "garis air rendah" masih akan tetap ada beberapa ratus atau beberapa puluh pulau kelompok pulau (Tergantung dari pada lebar laut wilayahnya) yang mempunyai laut wilayah sendiri-sendiri.

Dapatlah dibayangkan bahwa keadaan demikian itu sangat menyukarkan pelaksanaannya tugas pengawasan laut dengan sempurna susunan daerah yang harus diawasi demikian berbelit-belit (complicated). Wilayah udara di atas wilayah yang demikian strukturnya dengan sendirinya tak akan bersifat homogeen pula. Kantong-kantong berupa laut bebas di tengah-tengah dan diantara bagian darat (pulau) dari wilayah negara Indonesia ini menempatkan petugas dalam keadaan yang sulit karena harus memperhatikan setiap waktu, apakah mereka ada di dalam perairan nasional atau di laut bebas, karena hak bertindak mereka tergantung dari pada posisi mereka itu.

Dalam suatu peperangan antara dua pihak yang armadanya bergerak kian kemari di laut bebas antara pulau-pulau Indonesia keutuhan kita terancam. Lalu lintas yang merupakan urat nadi dari pada penghidupan rakyat antara satu pulau dan lain pulau, untuk kepentingan pengangkutan bahan kebutuhan sehari-hari yang sangat vital itu akan terputus atau terhenti hal itu akan mengakibatkan penderitaan rakyat di pulau-pulau tersebut. Akibat suatu pertempuran laut di antara pulau-pulau Indonesia dengan senjata "nuclear" akan membahayakan penduduk pulau sekelilingnya "Laut Bebas" yang menjadi medan pertempuran itu.

luas dari risiko yang mungkin diderita oleh penduduk, menjadi pertanyaan apakah kita dapat mempertahankan netralitet kita dalam keadaan serupa itu. Kesulitan pengawasan atas ditaatinya peraturan-peraturan bea dan cukai, imigrasi dan kesehatan juga dapat dibayangkan dalam struktur wilayah semacam itu. Berdasarkan pertimbangan-pertimbangan di atas perlu dicari pemecahan persoalan yang berpokok pada pendirian, bahwa kepulauan Indonesia itu merupakan suatu kesatuan (unit) dan bahwa lautan di antara pulau-pulau kita itu merupakan bagian yang tak dapat dipisahkan dari bagian darat (pulau-pulau) negara kita.

Atas dasar pendirian itu maka laut wilayah harus terletak sepanjang garis yang menghubungkan titik ujung terluar dari pada kepulauan Indonesia. Untuk menjamin kelancaran perjalanan kapal dari dan keluar negeri yang sangat penting untuk kelancaran jalannya perekonomian kita dan untuk menyangkal tuduhan-tuduhan negara-negara lain bahwa kita menghalang-halangi pelayaran bebas. Perlu adanya jaminan bahwa ". . . lalu lintas yang damai di lautan pedalaman bagi kapal asing dijamin selama tidak membahayakan kedaulatan dan keselamatan negara Indonesia". Penentuan laut wilayah selebar 12 mil laut merupakan lebar maksimum menurut apa yang dinyatakan dalam naskah (draft articles) yang disusun oleh International Law Commission pada sidangnya yang ke-8 tahun 1957).

Perubahan penentuan batas perairan Indonesia seperti apa yang diajukan dalam Peraturan Pemerintah Pengganti Undang-Undang ini juga mempunyai suatu akibat yang sangat penting di lapangan ekonomi. Dengan penentuan batas perairan yang baru ini Indonesia akan mempunyai kedaulatan atas segala perairan yang terletak di dalam batas-batas garis luar laut wilayah serta udara dan dasar laut dan tanah dibawahnya. Dengan demikian maka segala kekayaan alam yang terdapat di dalamnya baik yang berupa bentuk hidup chewani maupun nabati, serta kekayaan alam lainnya berupa bahan mineral, baik yang sudah diketahui disaat sekarang maupun yang akan diketemukan di masa depan dimanfaatkan untuk kesejahteraan rakyat Indonesia yang jumlahnya kian tahun kian bertambah.

Bagi rakyat Indonesia yang susunan makanannya tidak cukup mengandung bahan protein, bahkan yang kadar protein chewani dalam makanannya tergolong paling rendah di dunia ini, sumber kekayaan yang terdapat dalam perikanan tak ternilai besarnya. Terutama bila diingat, bahwa cara-cara lain untuk menutup kekurangan protein seperti misalnya perkembangan peternakan tidak mudah dilakukan di samping pembiayaannya yang sangat mahal. Maka sumber potensiil di dalam laut perlu dikembangkan dan dimanfaatkan. Teknik penangkapan ikan dan pengambilan hasil laut lainnya yang pada bangsa Indonesia hingga dewasa ini serba sederhana sifatnya, merupakan alasan tambahan bagi suatu tindakan perlindungan dari pada sumber kekayaan itu.

Kekayaan alam yang berupa bahan mineral tidak kurang pentingnya bagi kesejahteraan rakyat Indonesia. Walaupun kini belum diketahui dengan pasti banyaknya kekayaan yang terpendam di bawah dasar laut namun dapatlah dikatakan dengan pasti bahwa kekayaan itu sangat besar. Mengingat kekayaan pulau-pulau Indonesia akan bahan tambang seperti minyak tanah dan timah yang di dapati di dalam tanah pada wilayah daratan Indonesia maka dapat dipastikan, bahwa tanah dibawah permukaan laut yang pada hakekatnya merupakan lanjutan wilayah daratan juga mengandung bahan-bahan kekayaan itu.

2. Penjelasan Pasal Demi Pasal

Pasal 1

(1) Dengan perairan Indonesia dimaksud bagian wilayah negara yang terdiri dari air. Sebagai diketahui wilayah suatu negara atas mana negara itu mempunyai kedaulatan dapat meliputi :

a. Wilayah daratan
b. Wilayah perairan
c. Wilayah Udara.

Laut wilayah (laut territorial-territorial sea) adalah lajur laut yang terletak pada sisi luar dari pada garis pangkal dasar. Garis pangkal atau garis dasar adalah garis dari mana laut wilayah mulai diukur lebarnya. Laut wilayah pada sebelah luar ini dibatasi oleh suatu garis luar (outer-limit) yang ditarik sejajar dengan garis pangkal. Jarak antara garis pangkal (dasar) dan garis luar adalah 12 mil laut.

Dengan demikian maka yang dimaksudkan laut wilayah itu adalah lajur laut (maritime belt) yang lebarnya 12 mil laut dan dibatasi pada sebelah dalam oleh suatu garis dasar (garis pangkal = baseline) dan di sebelah luarnya oleh garis luar (outer limit) yang ditarik sejajar dengan garis pangkal itu.

Negara Indonesia berdaulat atas laut wilayah ini, baik mengenai lajur laut itu sendiri yang terdiri dari air, dasar laut (seabed) dan tanah dibawahnya (subsoil), maupun udara yang berada di atasnya. Satu-satunya pembatasan atas kedaulatan Indonesia sebagai negara pantai adalah adanya hak lalu lintas laut damai dalam laut wilayah bagi kapal-kapal asing. Lalu lintas laut damai dalam laut wilayah ini adalah suatu hak yang dijamin oleh hukum internasional.

(2) Perairan pedalaman Indonesia seperti dimaksud dalam ayat ini adalah segala perairan yang terletak pada sisi dalam dari garis pangkal dan terdiri dari laut, teluk, selat dan anak laut.

Indonesia berdaulat penuh di perairan pedalaman, berlainan dengan di laut wilayah kedaulatan ini pada dasarnya tidak dibatasi oleh lalu lintas laut damai, walaupun Indonesia sendiri dapat dibatasi dengan memberi kelonggaran-kelonggaran berdasarkan pertimbangan-pertimbangan tertentu. (Lihat di bawah pada pasal 3 ayat (1)).

(3) Cukup jelas

Pasal 2. Cukup jelas (lihat peta)

Pasal 3

(1) Jaminan bahwa perairan pedalaman terbuka bagi lalu lintas laut damai kapal-kapal asing, perlu diadakan mengingat pentingnya lalu lintas kapal di perairan pedalaman baik bagi kita sendiri (Pelayaran niaga bagi keperluan perdagangan kita) maupun bagi masyarakat dunia.

Perbedaan dengan lalu lintas laut damai kapal asing di laut wilayah (lihat pasal 1 ayat (2) di atas) adalah bahwa lalu lintas laut damai bagi kapal asing di perairan pedalaman ini merupakan suatu kelonggaran yang dengan sengaja diberikan oleh Indonesia, sedangkan di laut wilayah lalu lintas laut damai bagi kapal asing itu merupakan suatu hak yang diakui oleh hukum internasional. Akibat dari perbedaan ini ialah bahwa Indonesia dalam perairan pedalaman dapat mencabut kembali kelonggaran-kelonggaran yang diberikannya ini, sedangkan lalu lintas laut damai di laut wilayah pada dasarnya tak boleh diganggu oleh negara pantai.

(2) Ketentuan dalam ayat ini menggambarkan dengan jelas sifatnya lalu lintas kapal asing di perairan pedalaman Indonesia sebagai suatu kelonggaran.

Ketentuan dalam ayat ini merupakan ketentuan operatif dari pada ayat (1) yang merupakan ketentuan suatu prinsip.

Pasal 4

(1) Cukup jelas

(2) Cukup jelas

Tambahan Lembaran Negara No. 1942

TITIK-TITIK POKOK DARI GARIS-GARIS DASAR PERAIRAN REPUBLIK INDONESIA

NOMOR TITIK POKOK	LINTANG	BUJUR	JARAK	KETERANGAN
1.	01° – 13,5' U	104° – 35,5' T	196,6 Ml	Tg. Berakit
1A.	01 – 02,9'U	104 – 40,7'T	9,3 Ml	Sentut
2.	00 – 56,0'U	104 – 55,8'T	38,7 Ml	Mangean
3.	00 – 24,4'U	104 – 33,7'T	30,4 Ml	Kaya
4.	00 – 18,0'S	105 – 01,8'T	28,3 Ml	Mecanti
5.	00 – 45,7'S	104 – 36,2'T	31,1 Ml	Saya
6.	01 – 08,5'S	105 – 16,9'T	32,1 Ml	P. Pelacang
7.	00 – 54,5'S	105 – 45,4'T	45,3 Ml	Toty
8.	01 – 36,0'S	105 – 03,0'T	48,1 Ml	Pengujal
9.	02 – 16,4'S	106 – 26,7'T	38,6 Ml	..
10.	02 – 24,1'S	107 – 37,0'T	11,6 Ml	Gosper/Gelam
11.	02 – 31,8'S	107 – 37,0'T	11,6 Ml	Lengkuas
12.	02 – 31,6'S	107 – 49,1'T	20,3 Ml	Tg. Simoe
13.	02 – 38,5'S	108 – 12,2'T	61,0 Ml	Burung Serbang
14.	01 – 42,0'S	108 – 41,1'T	28,0 Ml	Sereto
15.	01 – 16,9'S	108 – 52,4'T	85,0 Ml	Leman
16.	00 – 07,2'U	108 – 36,5'T	35,0 Ml	Data
17.	00 – 14,7'U	108 – 01,5'T	43,9 Ml	Pengiki
18.	00 – 05,9'U	107 – 14,0'T	31,3 Ml	Pejantan
19.	00 – 33,1'U	106 – 58,2'T	26,2 Ml	Anak Awar
20.	00 – 55,2'U	106 – 44,5'T	41,4 Ml	Tokong Kemudi
21.	01 – 32,3'U	106 – 26,6'T	68,9 Ml	Kayu Ara
22.	02 – 18,1'U	105 – 35,5'T	29,7 Ml	Malang Biru
23.	02 – 44,8'U	105 – 23,0'T	24,3 Ml	Damar
24.	03 – 05,5'U	105 – 35,0'T	26,5 Ml	Mangkai
25.	03 – 19,8'U	105 – 57,0'T	20,4 Ml	Nenas
26.	03 – 26,5'U	106 – 16,0'T	78,5 Ml	Belayar
27.	03 – 18,0'U	107 – 33,9'T	41,6 Ml	Noord Hoofdberg
28.	03 – 55,8'U	107 – 54,0'T	37,8 Ml	Bolor
29.	04 – 31,1'U	107 – 43,9'T	24,5 Ml	Sanian
30.	04 – 48,0'U	108 – 01,9'T	52,8 Ml	Sekatung
31.	04 – 01,1'U	108 – 25,9'T	64,0 Ml	Senua
32.	03 – 00,3'U	108 – 52,2'T	30,9 Ml	Subi
33.	02 – 38,5'U	109 – 10,5'T	34,8 Ml	Kepala
34.	02 – 04,1'U	109 – 06,9'T	32,0 Ml	Merundung
35.	02 – 05,2'U	109 – 38,8'T		Tg. Datu
36.	04 – 10,0'U	117 – 53,7'T	2,9 Ml	Tg. Batu
36A.	04 – 07,8'U	117 – 55,3'T	2,8 Ml	–
36B.	04 – 03,7'U	117 – 55,5'T	25,3 Ml	Tg. Arang
37.	03 – 25,5'U	117 – 52,5'T	69,5 Ml	Tg. Arang
38.	02 – 22,2'U	118 – 12,2'T	22,4 Ml	Panjang
39.	02 – 19,8'U	118 – 33,8'T	42,9 Ml	Tg. Bui Tewaran
40.	01 – 46,4'U	119 – 01,7'T	45,0 Ml	Sambit
41.	01 – 01,3'U	118 – 59,5'T	55,1 Ml	Tg. Mangkalihat
42.	00 – 35,5'U	119 – 47,9'T	25,4 Ml	Tuguan
43.	01 – 00,5'U	120 – 12,8'T	40,1 Ml	Lingian
44.	01 – 20,5'U	120 – 47,8'T	6,1 Ml	Sirunt Kapar
44A.	01 – 22,6'U	120 - 53,5'T	34,5 Ml	Dolangan

NOMOR TITIK POSISI	LINTANG	BUJUR	JARAK	KETERANGAN
45.	01° – 19,2'U	121° – 20,1'T	61,5 Mil	Tl. Kandi
46.	01 – 02,2'U	122 – 27,0'T	48,0 Mil	Tg. [illegible]
47.	00 – 58,0'U	123 – 15,0'T	66,1 Mil	Tg. Dolong
48.	01 – 09,0'U	124 – 20,5'T	42,9 Mil	Tg. [illegible]
49.	01 – 45,2'U	124 – 43,9'T	50,2 Mil	[illegible]
50.	02 – 21,5'U	125 – 17,6'T	20,4 Mil	Pasige
51.	02 – 44,5'U	125 – 9,5'T	60,4 Mil	Makalehi
52.	03 – 42,9'U	125 – 23,9'T	32,9 Mil	Tg. [illegible]
53.	04 – 14,0'U	125 – 19,5'T	27,2 Mil	Kawaluso
54.	04 – 40,4'U	125 – 29,6'T	5,0 Mil	Kawio
55.	04 – 44,5'U	125 – 28,5'T	83,5 Mil	Marore
56.	05 – 34,8'U	126 – 26,9'T	60,0 Mil	Miangas
57.	04 – 45,0'U	127 – 00,0'T	8,0 Mil	Marampit
58.	04 – 37,4'U	127 – 09,2'T	55,2 Mil	Kakarutan
59.	03 – 45,5'U	126 – 51,2'T		Damau
60.	02 – 38,5'U	128 – 33,5'T	122,7 Mil	Tg. Sopi
61.	02 – 30,2'U	128 – 40,6'T	11,0 Mil	Tg. Gorango
62.	01 – 32,7'U	128 – 43,9'T	57,6 Mil	Gaan Cabo
63.	00 – 43,9'U	129 – 00,1'T	54,7 Mil	Bree
64.	00 – 20,8'U	129 – 42,0'T	50,2 Mil	A I
65.	00 – 12,0'U	130 – 40,0'T	53,2 Mil	Budd
66.	01 – 00,7'U	131 – 15,6'T	45,6 Mil	Fani
67.	00 – 36,0'U	131 – 11,9'T	32,1 Mil	P. Ayu dua
68.	00 – 11,0'S	131 – 18,8'T	44,1 Mil	[illegible]
69.	00 – 43,5'S	131 – 32,8'T	38,5 Mil	[illegible] III
70.	00 – 30,2'S	132 – 10,9'T	44,7 Mil	Mios Su
71.	00 – 21,8'S	132 – 43,0'T	39,4 Mil	Vulcanic Kaap
72.	00 – 56,8'S	134 – 17,2'T	122,5 Mil	Mapia III
73.	00 – 11,6'S	134 – 59,1'T	79,9 Mil	Ayawi
74.	00 – 23,5'S	135 – 16,1'T	20,8 Mil	Bepondi
75.	00 – 41,4'S	135 – 23,8'T	18,5 Mil	Tg. [illegible]
76.	00 – 42,1'S	135 – 48,5'T	25,4 Mil	Tg. [illegible]
77.	01 – 08,9'S	136 – 23,2'T	42,0 Mil	Tg. [illegible]
78.	01 – 27,8'S	137 – 55,8'T	95,0 Mil	[illegible] & [illegible]
79.	01 – 35,5'S	138 – 43,0'T	49,0 Mil	Libi
80.	02 – 18,5'S	140 – 07,8'T	95,5 Mil	Tg. [illegible]
80A.	02 – 26,2'S	140 – 36,9'T	21,6 Mil	
81.	02 – 36,2'S	141 – 00,0'T	25,5 Mil	[illegible]
82.	09 – 12,7'S	141 – 01,7'T	Mil	
83.	09 – 00,4'S	140 – 49,9'T	17,0 Mil	[illegible]
84.	08 – 09,9'S	139 – 52,8'T	36,6 Mil	[illegible] II
85.	08 – 12,8'S	139 – 20,0'T	32,9 Mil	Welch
86.	08 – 32,9'S	138 – 56,0'T	27,1 Mil	Kaap [illegible]
87.	08 – 25,1'S	138 – 47,3'T	7,6 Mil	[illegible]
88.	06 – 27,0'S	137 – 35,8'T	72,5 Mil	Kaap Valsch
89.	06 – 55,1'S	138 – 32,5'T	100,7 Mil	De Jong's punt
90.	06 – 22,0'S	138 – 38,8'T	34,8 Mil	Creek II
91.	05 – 22,5'S	137 – 48,0'T	30,3 Mil	Lang I
92.	05 – 22,5'S	137 – 48,8'T	30,3 Mil	Lang II
93.	04 – 55,0'S	136 – 49,8'T	99,8 Mil	Tg. [illegible]
94.	04 – 30,8'S	136 – 07,0'T	48,0 Mil	Amamapare

NOMOR TITIK POSISI	LINTANG	BUJUR	JARAK	KETERANGAN
95.	04° – 27,3'S	135° – 12,8'T	53,7 MB	Tg. Nanarépi
96.	05 – 19,3'S	134 – 35,8'T	[illegible] MB	Wamlode
97.	05 – 22,4'S	134 – 44,5'T	[illegible]	Pl. Jedan
98.	06 – 04,5'S	134 – 52,0'T	[illegible] MB	P. Karawaira
99.	06 – 19,7'S	134 – 52,2'T	14,5 MB	Penambulai
100.	06 – 52,5'S	134 – 42,0'T	34,6 MB	Kultubai
100A.	07 – 01,8'S	134 – 40,5'T	10,2 MB	Karang
101.	07 – 07,8'S	134 – 28,5'T	12,9 MB	Enu
102.	06 – 37,2'S	134 – 18,5'T	20,4 MB	Tg. Ngabordamlu
103.	06 – 00,5'S	132 – 58,2'T	98,8 MB	Tg. Weduar
104.	07 – 13,0'S	131 – 59,8'T	91,0 MB	Laut
105.	08 – 03,5'S	131 – 17,5'T	63,8 MB	Anggarmasa
106.	08 – 08,0'S	131 – 10,5'T	8,3 MB	Adaut
107.	08 – 21,6'S	130 – 48,5'T	25,5 MB	Bat Arkibmau
108.	08 – 13,7'S	129 – 50,1'T	59,0 MB	Masela
109.	08 – 22,0'S	128 – 31,0'T	79,2 MB	Meaty Miarang
110.	08 – 14,5'S	127 – 38,0'T	55,5 MB	Lakalolo
111.	08 – 06,6'S	127 – 09,5'T	29,9 MB	Jon Tu
112.	07 – 58,7'S	126 – 28,2'T	41,9 MB	Eden
113.	08 – 01,3'S	125 – 48,6'T	29,8 MB	Pitis
114.	08 – 59,0'S	124 – 24,0'T	–	–
115.	09 – 08,0'S	124 – 00,0'T	26 MB	–
116.	09 – 28,0'S	125 – 05,1'T	–	Mota Masin
117.	09 – 38,5'S	124 – 58,7'T	11,9 MB	Tg. We Toh
118.	10 – 09,5'S	125 – 00,0'T	45,0	
119.	10 – 16,5'S	124 – 01,0'T	26,5 MB	–
120.	10 – 49,6'S	123 – 13,6'T	58,4 MB	Pulah
121.	11 – 00,9'S	122 – 52,5'T	23,5 MB	Dana
122.	10 – 37,5'S	121 – 50,0'T	65,9 MB	Tg. Mambo
123.	10 – 50,0'S	121 – 17,0'T	35,9 MB	Dana
124.	10 – 19,0'S	120 – 06,0'T	20,9 MB	Ataupada
125.	10 – 19,0'S	120 – 27,2'T	39,2 MB	Tg. Ngaje
126.	09 – 48,0'S	119 – 23,6'T	53,4 MB	Tg. Rus
127.	09 – 45,5'S	119 – 11,6'T	12,0 MB	Tg. Mambo
128.	09 – 40,5'S	119 – 02,0'T	1,6 MB	–
129.	08 – 53,6'S	118 – 29,9'T	54,8 MB	Toro Doro
130.	09 – 53,6'S	117 – 02,0'T	88,8 MB	Tg. Talonan
131.	08 – 56,9'S	116 – 00,0'T	63,2 MB	Tg. Pangga
132.	08 – 50,0'S	115 – 50,5'T	10,9 MB	Tg. Bt. Gendang
133.	08 – 49,4'S	115 – 35,9'T	19,2 MB	Nusa
134.	08 – 46,4'S	115 – 23,6'T	37,0 MB	Tafikuah
135.	08 – 46,6'S	114 – 30,9'T	37,0 MB	Tg. Bantenan
136.	08 – 44,5'S	114 – 20,0'T	10,8 MB	Tg. Purwo
137.	08 – 39,0'S	114 – 01,5'T	20,0 MB	Meneske
138.	08 – 30,0'S	113 – 18,5'T	43,3 MB	Barung
139.	08 – 24,0'S	111 – 42,5'T	96,9 MB	Sind
140.	08 – 12,5'S	110 – 42,2'T	61,8 MB	–
141.	08 – 08,5'S	110 – 33,0'T	10,0 MB	–
142.	07 – 47,0'S	109 – 25,5'T	71,0 MB	Bt. Tegar
143.	07 – 47,5'S	109 – 02,5'T	23,3 MB	Kambangan

144.	07 – 49,0'S	108 – 20,1'T	31,2 mil	–
145.	07 – 44,9'S	107 – 50,0'T	30,6 mil	Tg. Gedeh
146.	07 – 23,3'S	106 – 24,5'T	92,3 mil	Genteng
147.	07 – 01,2'S	105 – 31,0'T	37,5 mil	Bali
148.	06 – 50,9'S	105 – 14,5'T	19,8 mil	Tg. Guhakolak
149.	06 – 37,8'S	105 – 08,0'T	15,2 mil	Guradu
150.	05 – 57,0'S	104 – 33,0'T	51,9 mil	Belimbing
151.	05 – 39,1'S	104 – 18,1'T	23,2 mil	–
152.	05 – 14,5'S	103 – 54,5'T	34,9 mil	Gg. Walor.
			42,3	
153.	04 – 49,0'S	103 – 20,1'T	42,3 mil	Tg. Bakar
154.	05 – 33,1'S	102 – 19,0'T	75,3 mil	–
155.	05 – 22,1'S	102 – 05,3'T	17,8 mil	Tg. Kramat
156.	04 – 02,0'S	101 – 02,5'T	102,5 mil	Mega
157.	03 – 21,5'S	100 – 27,8'T	54,3 mil	
158.	03 – 18,0'S	100 – 19,9'T	6,2 mil	[illegible]
159.	02 – 50,0'S	99 – 59,6'T	34,5 mil	Tg. Ratai
160.	02 – 18,0'S	99 – 35,7'T	39,0 mil	Tg. [illegible]
161.	01 – 41,0'S	98 – 52,5'T	58,1 mil	Siberut
162.	01 – 12,4'S	98 – 35,0'T	33,4 mil	Siburu
163.	00 – 31,8'S	98 – 17,0'T	43,8 mil	Tg. Nauh
164.	00 – 31,8'S	97 – 51,0'T	38,9 mil	Simuk
165.	00 – 35,2'U	97 – 40,2'T	41,5 mil	Lagundi
166.	00 – 49,5'U	97 – 20,0'T	26,2 mil	Bawa
167.	01 – 12,0'U	97 – 04,7'T	26,8 mil	Wunga
168.	01 – 34,1'U	97 – 03,1'T	12,4 mil	Tg. Toyolawa
169.	02 – 04,1'U	96 – 37,5'T	47,8 mil	Sali
170.	02 – 38,0'U	95 – 47,0'T	57,7 mil	–
171.	02 – 58,9'U	95 – 23,0'T	35,5 mil	Kokos III M
172.	04 – 07,5'U	96 – 06,7'T	81,5 mil	Mangkudu
173.	04 – 36,9'U	95 – 34,0'T	60,0 mil	Calang III
174.	04 – 52,0'U	95 – 22,8'T	17,4 mil	Raya
175.	05 – 17,0'U	95 – 11,9'T	21,4 mil	Rusa
176.	05 – 48,0'U	94 – 57,5'T	38,8 mil	Benggala West II
177.	06 – 03,0'U	95 – 07,5'T	19,2 mil	Rondo
178.	05 – 54,8'U	95 – 20,0'T	16,1 mil	Ie Meulee
179.	05 – 30,4'U	95 – 53,0'T	40,8 mil	Ug. Pidie
180.	05 – 16,5'U	96 – 49,5'T	58,0 mil	Ug. Pasangan
181.	05 – 17,0'U	97 – 29,0'T	39,5 mil	–
182.	04 – 53,0'U	97 – 55,0'T	30,9 mil	Ug. Peureulak.
183.	03 – 55,3'U	98 – 40,2'T	80,0 mil	Ug. Tamiang
184.	03 – 47,6'U	99 – 29,6'T	48,0 mil	Berhala.
185.	02 – 52,0'U	100 – 33,5'T	83,0 mil	[illegible]
186.	02 – 9,6'U	101 – 39,5'T	79,6 mil	Tg. Medang

187.	01 – 06,0'U	102 – 59,0'T	101,8 MB	Tg. Kedabu
188.	01 – 11,6'U	103 – 21,0'T	22,9 MB	I y u
189.	01 – 10,0'U	103 – 23,4'T	3,2 MB	Karimun
190.	01 – 09,2'U	103 – 39,3'T	16,5 MB	Nipa
191.	01 – 7,9'U	103 – 42,0'T	3,5 MB	–
192.	01 – 10,9'U	103 – 52,0'T	12,1 MB	Batuberhanti
193.	01 – 12,5'U	104 – 06,3'T	13,0 MB	Nongsa
194.	01 – 12,3'U	104 – 23,3'T	10,0 MB	Tg. Sading
195.	01 – 13,8'U	104 – 25,6'T	11,2 MB	Tg. Berakit.

MALAYA

Annex 129

PRODUCTION SHARING CONTRACT BETWEEN P.N. PERTAMBANGAN MINJAK NASIONAL AND JAPAN PETROLEUM EXPLORATION CO., LTD. DATED 6 OCTOBER 1966

PRODUCTION SHARING CONTRACT
BETWEEN
P.N. PERTAMBANGAN MINJAK NASIONAL
AND
JAPAN PETROLEUM EXPLORATION CO., LTD.

- OFFSHORE BUNJU AREA & OFFSHORE MAHAKAM AREA -

THIS CONTRACT made and entered into on this sixth day of October 1966, by and between P.N. PERTAMBANGAN MINJAK NASIONAL, a State Enterprise established in accordance with and on the basis of LAW No. 19/1960, hereinafter called "PERMINA", party of the first part, and JAPAN PETROLEUM EXPLORATION CO., LTD., a corporation organized and existing under the laws of Japan, hereinafter called "JAPEX", party of the second part,

WITNESSETH :

WHEREAS, PERMINA has an exclusive "Authority to Mine" for mineral oil and gas in and throughout the areas described in Exhibit A and B attached hereto and made a part hereof; and

WHEREAS, PERMINA desires to promote the Exploration and Exploitation of the Contract Areas hereinafter described in Exhibit A and B; and

WHEREAS, JAPEX desires to join and assist PERMINA in future expansion and acceleration of the Exploration and Exploitation of the potential petroleum resources in the Contract Areas; and

WHEREAS, JAPEX has the capital, technical competence and skill necessary for furnishing the credits and services and carrying out the operations hereinafter described; and

WHEREAS, this Contract is made in accordance with the production sharing laws and regulations of Indonesia;

NOW THEREFORE, in consideration of the mutual covenants herein contained it is hereby agreed as follows :

SECTION I

SCOPE AND DEFINITIONS

1. This Contract is a Production Sharing Contract within the meaning of the concept under Indonesian Law. PERMINA shall have and be responsible for the management of the operations contemplated hereunder.

JAPEX shall provide all foreign credits and technical assistance required and shall be responsible for the execution of such operations.
JAPEX shall carry the risk of all preproduction costs and shall therefore have an economic interest in the operations envisaged hereunder.
During the term of this Contract the total production achieved in the conduct of such operations shall be divided between the parties hereto in accordance with the provisions of Section VI hereof.

2. DEFINITIONS

Words and Terms defined in Article 1 of Law No. 44/1960 shall, unless otherwise specified herein, have meanings in accordance with such definitions.

2.1. Contract Areas means the continental shelves within the statutory mining territory of Indonesia covered by the Authority to Mine which is the subject of this Contract, which Contract Areas are outlined and described in Exhibit A and B attached hereto and made a part hereof. The Area as shown in Exhibit A shall be designated "Offshore Bunju Area" and the area as shown in Exhibit B shall be designated "Offshore Mahakam Area".

2.2. Petroleum means mineral oil and gas, hereinafter called Crude Oil and Natural Gas, as defined in the Law 44/1960.

2.3. Crude Oil means crude mineral oil, asphalt, ozokerite and all kinds of hydrocarbons and bitumens, both in solid and in liquid form, in their natural state or obtained from Natural Gas by condensation or extraction.

2.4. Natural Gas means all gaseous hydrocarbons produced from wells, including wet mineral gas, dry mineral gas, casing head gas and the residue gas remaining after the extraction of liquid hydrocarbons from wet gas.

2.5. Petroleum Operations means all exploration, development, extraction, producing, transportation and marketing operations authorized by or contemplated under this Contract.

2.6. Operating Costs means expenditures made and obligations incurred in carrying out Petroleum Operations hereunder.

2.7. Force Majeure means delays or defaults in performance under this Contract caused by circumstances beyond the control and without the fault or negligence of JAPEX and/or PERTAMINA, including but not restricted to acts of God or the public enemy, perils of navigation, fire, hostilities, war (declared or undeclared), blockade, labour disturbances, strikes riots, insurrections, civil commotion, quarantine restrictions, epidemics, storms, earthquakes, accidents.

2.8. Effective Date means the date of the approval of this Contract by the Government of the Republic of Indonesia and the Government of Japan, whichever later.

2.9. Barrel means a quantity or unit of oil, forty-two (42) United States gallons at the temperature of sixty (60) degrees Fahrenheit.

2.10. Work Program means an approved Work Program as described in Section V hereof.

2.11. Budget means cost estimates of all items included in the Work Program.

2.12. Foreign Exchange means currency other than that of the Republic of Indonesia but acceptable to PERMINA and to the Republic of Indonesia.

SECTION II

TERM

The term hereof shall be 30 (thirty) years as from the Effective Date.

If at the end of the first 6 (six) years as from the Effective Date no Petroleum shall have been discovered in the Contract Areas, JAPEX shall have the option either to terminate the Contract or to request PERMINA to extend the aforesaid 6 (six) years' period with 2 (two) years and on expiration thereof, if so desired by JAPEX, with another 2 (two) years, which extensions shall be promptly granted, without prejudice to the provisions of Section III regarding the exclusion of areas and of Section XIII regarding termination.

If after 10 (ten) years as from the Effective Date no Petroleum shall have been discovered in the Contract Areas this Contract shall automatically terminate in its entirety.

Conversely, if Petroleum is discovered in the Contract Areas within the 6 (six) years' (or extended) period, which in the judgment of PERMINA and JAPEX can be produced commercially then for that particular portion of the Contract Areas, Exploitation will commence and last for the remainder of the term hereof. In other portions of the Contract Areas Exploration may continue concurrently without prejudice to the provisions of Section III regarding the exclusion of areas.

SECTION III

EXCLUSION OF AREAS AND COMPENSATION

1. **Mandatory Exclusion**

1.1. By the end of 3 (three) and of 6 (six) years as from the Effective Date PERMINA shall exclude from each of the Contract Areas 25% and another 25% respectively of the original total Contract Areas unless JAPEX elects to compensate PERMINA for the postponement of such exclusions as provided for in par. 1.2. of this Section III, thus leaving by the end of 6 (six) years as from the Effective Date, 50% each of the original total Contract Areas. For the purpose of such exclusions JAPEX shall designate and PERMINA shall approve the description of the boundaries, shape and size of each individual portion forming part of such excluded areas.

1.2. At JAPEX's request PERMINA shall postpone the exclusion of the first 25%, due after 3 (three) years as from the Effective Date, with 3 (three) years on the condition that JAPEX compensates PERMINA for such postponement by paying to PERMINA a sum of US.$ 500,000 (five hundred thousand dollars), for each of the Contract Areas. Also at JAPEX's request, the exclusion of the second 25% due after 6 (six) years as from the Effective Date, shall be postponed by PERMINA with 2 (two) years, on the condition that JAPEX compensates PERMINA for such second postponement by paying to PERMINA a sum of US.$ 1,000,000 (one million dollars), for each of the Contract Areas. Compensation payments referred to hereinbefore shall not be included in the Operating Costs.

2. **Voluntary Exclusion**

With regard to the remaining 50% of each of the Contract Areas, left after mandatory exclusions, PERMINA and JAPEX shall maintain reasonable exploration efforts. However, if in respect of any part of such remaining 50% JAPEX does not during 2 (two) consecutive years submit an exploration program, PERMINA shall reach agreement with JAPEX as to whether such parts should be excluded or whether exploration there should be resumed at a later date.

SECTION IV

RIGHTS AND OBLIGATIONS OF THE PARTIES

JAPEX is by this Contract, subject to paragraph 1.8. of Section IV, appointed and constituted the exclusive company of this Exploration and Exploitation venture to assist PERMINA in the conduct of Petroleum Operations in the Contract Areas during the term hereof.

1. **JAPEX shall :**

1.1. commence Exploration not later than six (6) months after the Effective Date;

1.2. be obligated during the years hereinafter specified to expend respectively, the following amounts for each of the Contract Areas :

First fiscal year	US.$	300,000
Second fiscal year	US.$	600,000
Third fiscal year	US.$	1,200,000
Fourth fiscal year	US.$	1,400,000
Fifth fiscal year	US.$	1,800,000
Sixth fiscal year	US.$	2,000,000

the amounts stated for the first three years' period being minimum required expenditures, whereas the amounts stated for the second three years' period shall be maximum required expenditures. Any expenditures made during the second three years' period in excess of the stated amounts for each year thereof, shall be deductable from the succeeding year. If JAPEX exercises its right as stated in paragraph 1.2. of Section XIII regarding termination during the second three years' period, then JAPEX shall be automatically relieved from making any remaining expenditures;

1.3. advance all necessary credit and purchase or lease materials, equipment and supplies required to be purchased or leased with Foreign Exchange outside Indonesia pursuant to the Work Program;

1.4. furnish all technical aid, including foreign personnel required for the performance of the Work Program, payment thereof requires Foreign Exchange payable outside Indonesia;

1.5. furnish such other credits for the performance of the Work Program that requires payment in Foreign Exchange payable outside Indonesia, including payments to foreign third parties who perform services as a contractor;

1.6. be responsible for the preparation and the execution of the Work Program, which shall be implemented in a workmanlike manner and by appropriate scientific methods and JAPEX shall take the necessary precaution for the protection of navigation and fishing and shall prevent extensive pollution of the sea. It is also understood that the execution of the Work Program shall be exercised so as not to conflict with Government obligations imposed on the Government by International Law;

1.8. have the right to sell, assign, transfer, convey or otherwise dispose of any, all or part of its rights and interests under this Contract to any subsidiary or affiliated company or to another third party with the prior written consent of PERMINA and of the Government of the Republic of Indonesia which consent shall not be unreasonably withheld;

1.9. have the right of ingress to and egress from the Contract Areas and to and from facilities, wherever located, at all times;

1.10. have the right to use and have access to, and PERMINA shall furnish all geological, geophysical, drilling, well, production and other information, held by it or by any other governmental agency or enterprise, relating to the Contract Areas including well location maps;

1.11. have the right to use and access to, and PERMINA shall make available, so far as possible, all geological, geophysical, drilling, well, production and other information now or in the future held by it or by any other governmental agency or enterprise relating to the areas adjacent to the Contract Areas;

1.12. submit to PERMINA copies of all such original geological, geophysical, drilling, well, production and other data as it may compile during the term hereof;

1.13. prepare and carry out plans and programs for industrial training and education of Indonesians for all job classifications with respect to operations contemplated hereunder;

1.14. have the right during the term hereof to freely lift JAPEX's share of Crude Oil earned by it under the provisions hereof;

1.15. appoint an authorized representative for Indonesia with respect to this Contract who shall have an office in Djakarta. JAPEX's representative shall have the right to engage and select his own office and administrative staff.

2. PERMINA shall :

2.1. have and be responsible for the management of the operations contemplated hereunder, however, PERMINA shall periodically consult JAPEX with a view to the fact that JAPEX is responsible for the Work Program;

2.2. pay all fees, duties, charges and taxes on imports of materials, equipment and supplies brought into Indonesia by JAPEX and by foreign third parties who perform services as a contractor;

liquor and tobacco) that may be imposed on either PERMINA, JAPEX, foreign third parties or on their respective personnel by the Government of the Republic of Indonesia or by any of its subdivisions and furnish JAPEX and any such foreign third parties who perform services as a contractor with proper receipts for such fees, duties and taxes thus paid on their behalf;

2.4. otherwise assist and expedite JAPEX's execution of the Work Program by providing facilities, supplies and personnel including, but not limited to, supplying or otherwise making available all necessary visas, work permits, transportation, and security protection as may be requested by JAPEX and made available from the resources under PERMINA's control either onshore or offshore.
In the event such facilities, supplies or personnel are not readily available, then PERMINA shall promptly secure the use of such facilities, supplies and personnel either onshore or offshore, from alternative sources.
Any expense thus incurred by PERMINA at JAPEX's request shall be reimbursed to PERMINA by JAPEX and included in the Operating Costs. Any such reimbursements shall be made by JAPEX to PERMINA on the basis of 10% of the total Foreign Currency costs and Foreign Currency expenses spent annually by JAPEX, with a minimum of US.$ 50.000 per year for each of the Contract Areas until such time that commercial production commences. When commercial production is established, both parties shall agree upon a new formula regarding payment for services rendered by PERMINA to JAPEX by taking into consideration the situations then prevailing;

2.5. ensure that all time during the term hereof sufficient rupiah funds shall be available to cover the rupiah expenditures contemplated pursuant to the Work Program;

2.6. have title to all data resulting from the Petroleum Operations including but not limited to geological, geophysical, petrophysical, engineering, well logs and completion, status reports and any other data as JAPEX may compile during the term hereof;

2.7. use the equipment which becomes its property by virtue of this Contract, solely for the Petroleum Operations envisaged under this Contract and if PERMINA wishes to use such equipment for any alternative purpose, then PERMINA shall first consult JAPEX.

SECTION V

WORK PROGRAM AND BUDGET

Not later than February 1st of each year, and then each year thereafter, JAPEX shall submit to PERMINA a Work Program for the Contract Areas setting forth its recommended Petroleum Operations for the next succeeding fiscal year, commencing April 1st.

Within thirty (30) days after receipt of such proposed Work Program, PERMINA will advise JAPEX in writing of its approval or its objections thereto, specifying the latter in reasonable detail, and its reasons therefor. Promptly following receipt of such objections, the parties will meet and endeavour to agree upon revisions to those portions of the proposed Work Program to which the objection has been made. Failure of PERMINA to advise JAPEX of such approval or objections in writing within such thirty (30) days' period will be conclusively deemed to constitute approval of the Work Program submitted.

If PERMINA advises JAPEX of its objections in the manner and time above provided, and the parties fail to agree upon a revision of those portions as to which objections has been made by PERMINA by the first day of the ensuing fiscal year, then the Work Program as originally proposed will become effective insofar as possible as to those portions to which PERMINA has not objected.

PERMINA agrees that its approval of a proposed Work Program will not be unreasonably withheld.

It is recognised by the parties that the detail of a Work Program may require changes in the light of changing circumstances and nothing herein contained shall limit the right to make such changes, provided they do not change the general objectives of the Work Program.

With a view to the agreed Work Program the parties shall jointly draw up a Budget based on such agreed Work Program.

It is further recognized that in the event of emergency or extraordinary circumstances requiring immediate action, either party may take all action it deems necessary or advisable to protect their interests and those of their respective employees and any costs thus incurred shall be included in Operating Costs.

SECTION VI

RECOVERY OF OPERATING COSTS AND

this Contract to market all Crude Oil produced from the Contract Areas subject to limitations as provided for hereunder.

1.2. JAPEX will recover all Operating Costs out of a maximum of forty percent (40%) annually of Crude Oil produced and saved hereunder and not used in Petroleum Operations, or such lesser percentage necessary to recover the Operating Costs as may from time to time be sufficient to accomplish this purpose, and JAPEX shall be entitled to take and receive in kind and freely export such portion of Crude Oil. If the Operating Costs exceed the stated forty percent (40%), then the unrecovered surplus shall be recovered in succeeding years.

1.3. Of the balance of Crude Oil remaining, PERMINA shall be entitled to take and receive sixty-five percent (65%) and JAPEX shall be entitled to take and receive and freely export thirty-five percent (35%). Each party shall be entitled to take and receive its portion in kind. If PERMINA elects to take any part of its portion in kind, it shall so advise JAPEX in writing not less than ninety (90) days prior to the commencement of each calendar year specifying the quantity which it elects to take in kind, such notice to be effective for the ensuing calendar year. Failure to give such notice shall be conclusively deemed to evidence PERMINA's election not to take in kind.

1.4. Title to JAPEX's portion of 35% as well as to such portion of Crude Oil exported and sold by JAPEX to recover the Operating Costs shall pass to JAPEX at the point of export.

1.5. JAPEX will use its best reasonable efforts to market the Crude Oil to the extent markets are available.

1.6. JAPEX shall be subject to the income tax laws of the Republic of Indonesia. The portion of Crude Oil which PERMINA is entitled to take and receive hereunder shall be inclusive of all income taxes payable to the Republic of Indonesia, and of all taxes in lieu of income taxes or based on income or profits, including all dividend, withholding and other taxes imposed by the Republic of Indonesia on the distribution of income or profits by JAPEX, all of which PERMINA agrees to pay and discharge for the account of JAPEX, and PERMINA agrees to furnish JAPEX with proper receipts evidencing the payment of all such taxes on JAPEX's behalf for each calendar year, such receipts to be furnished within ninety (90) days following the commencement of the next ensuing calendar year.

2. Natural Gas

if the processing or utilization thereof is not economical.

Such flaring shall be permitted to the extent that the gas is not required to effectuate the maximum economic recovery of Petroleum by secondary recovery operations, including repressuring and recycling.

2.1. If Utilization Economical

If PERMINA and JAPEX consider that the processing and utilization of Natural Gas is economical and choose to participate in the processing and utilization thereof, in addition to that used in secondary recovery operations, then the construction and installation of facilities for such processing and utilization shall be carried out pursuant to an approved Work Program. The costs of and any revenue derived from such operations shall be treated on a basis equivalent to that as provided herein for Crude Oil.

2.2. If Utilization Not Economical

If JAPEX considers that the processing and utilization of Natural Gas is not economical, then PERMINA may choose to take and utilize such Natural Gas that would otherwise be flared, all costs of taking and handling to be for the sole account and risk of PERMINA.

SECTION VII

VALUATION OF CRUDE OIL

1. Sales to Third Parties

1.1. All Crude Oil taken by JAPEX for the recovery of Operating Costs and sold to third parties shall be valued at the net realized price f.o.b. Indonesia received by JAPEX for such Crude Oil. PERMINA shall be consulted before any such sale.

1.2. All of PERMINA's Crude Oil taken by JAPEX and sold to third parties shall be valued at the net realized price f.o.b. Indonesia received by JAPEX for such Crude Oil.

1.3. If a more favourable net realized price is available to PERMINA for said Crude Oil, referred to in par. 1.1. and 1.2., then PERMINA shall so advise JAPEX in writing not less than ninety (90) days prior to the commencement of the ensuing calendar year. Forty-five (45) days prior to the start of the ensuing calendar year JAPEX shall notify PERMINA regarding JAPEX's intention to meet the more favour-

2. Other Dispositions

All Crude Oil taken by JAPEX for the recovery of Operating Costs and all of PERMINA's Crude Oil taken by JAPEX and not sold to third parties, will be valued as follows :

a. By using the average per unit price received from sales to third parties during the preceding three (3) months. If no such third parties sales have been so made during such period of time, then:

b. On the same basis as that presently being used to value onshore Tarakan or Bunju Island Crude Oil, adjusted for quality, grade and gravity.
Any commissions paid to any affiliate of JAPEX in connection with a sale hereunder shall not exceed the customary and prevailing rate.

SECTION VIII

PAYMENTS

Any payments due to PERMINA pursuant to Section VI hereof shall be made by JAPEX in United States Dollars in Tokyo, in the manner to be set forth in a letter-agreement to be entered into between PERMINA and JAPEX once commercial production commences in the Contract Areas.

All other payments due to PERMINA by JAPEX pursuant to this Contract, shall be made by JAPEX in United States Dollars in Tokyo at a Bank to be designated by PERMINA.

SECTION IX

TITLE TO EQUIPMENT

Equipment purchased by JAPEX pursuant to the Work Program becomes the property of PERMINA when landed at the Indonesian port of import and will be used in Petroleum Operations hereunder. Depreciation on this equipment shall begin on the date of commencement of commercial production in the Contract Areas and shall be at a rate commensurate with the useful life of the relevant asset, but not to exceed ten percent (10%) per annum, until all such assets have been fully depreciated.

This provision, insofar as it relates to passage of title, shall not apply to leased equipment belonging to foreign third parties who perform services as a contractor, which equipment may be freely exported from Indonesia.

BEST COPY AVAILABLE

SECTION X

BOOKS AND ACCOUNTS AND AUDITS

1. Books and Accounts

PERMINA shall be responsible for keeping complete books and accounts with the assistance of JAPEX, reflecting all Operating Costs as well as monies received by JAPEX from the sale of Crude Oil representing the recovery of Operating Costs, consistent with modern petroleum industry practices and proceedings, as described in exhibit "C".

However, until such time that commercial production commences PERMINA shall delegate to JAPEX its obligation to keep books and accounts.

2. Audits

JAPEX shall have the right [illegible] inspect and audit PERMINA's books and accounts relating to this Contract for any calendar year within the one (1) year period following the end of such calendar year. Any such audit will be satisfied within twelve (12) months after its commencement. Any exception must be made in writing within sixty (60) days following the end of such audit and failure to give such written exception within such time shall establish the correctness of Permina's books and accounts.

SECTION XI

CONSULTATION AND ARBITRATION

Periodically PERMINA and JAPEX shall meet to discuss the conduct of the Petroleum Operations envisaged under this Contract and will make every effort to settle amicably any problems arising therefrom.

Disputes, if any, arising between the parties regarding the implementation of any of the clauses of this Contract, and which cannot be settled amicably, shall be submitted to the decision of arbitrators. Each party shall name one arbitrator and these two will name a third. If the first two fail to agree on a third within twenty (20) days after either party requests arbitration, the parties will ask the president of the Cantonal Tribunal at Geneva to designate the said third arbitrator. The decision of a majority shall be final.

In the event of arbitrators are unable to reach a decision, the dispute shall be referred to Indonesian Courts of Law for settlement.

BEST COPY AVAILABLE

SECTION XII

OTHER PROVISIONS

1. Notices

Any notices required or given by either party to the other shall be deemed to have been delivered when properly acknowledged for receipt by the receiving party.

All such notices shall be addressed to :

P.N. PERTAMBANGAN MINJAK NASIONAL
Djalan Perwira 2,
Djakarta, Indonesia.

JAPAN PETROLEUM EXPLORATION CO., LTD.
No. 4, 1-Chome, Ohte-Machi,
Chiyoda-Ku,
Tokyo, Japan.

Either party may substitute or change such address on written notice thereof to the other.

2. Laws and Regulations

The laws of the Republic of Indonesia shall apply to this Contract.

No term or provision of this Contract, including the agreement of the parties to submit to arbitration hereunder, shall prevent or limit the Government of Indonesia from exercising its inalienable rights.

3. Suspension of Obligation

Any failure or delay on the part of either party in the performance of their obligations or duties hereunder shall be excused to the extent attributable to Force Majeure.

If operations are delayed, curtailed or prevented by such causes, then the time for carrying out the obligations thereby affected, the term of this Contract and all rights and obligations hereunder shall be extended for a period equal to the period thus involved. The party whose ability to perform its obligations is so affected shall notify the other party thereof in writing, stating the cause and both parties shall do all reasonably within their power to remove such cause.

4. Processing of Products

[illegible]

5. Continued Exploration or Exploitation Efforts

If during the term of this Contract or at the end thereof JAPEX wishes to make a bid for continued exploration or exploitation efforts regarding one or more parts of the Contract Areas, then PERMINA shall give sympathetic consideration to such bids.

6. Text

This Contract is drawn up in the English and Indonesian languages. If any question as regards the interpretation of the two texts arises, then the English text shall prevail.

SECTION XIII

TERMINATION

1.1. This Contract can not be terminated during the first three (3) years as from the Effective Date, except Force Majeure and by provision as stipulated in 1.3. hereunder.

1.2. During the second three (3) years period as from the Effective Date, JAPEX has the right to terminate this Contract after consultation with PERMINA if in the judgment of PERMINA and JAPEX circumstances do not warrant continuation of the Petroleum Operations.

1.3. Without prejudice to the provision stipulated in para 1.1. herein above, either party shall be entitled to terminate this Contract in its entirety by a ninety (90) days' written notice if a major breach of contract is committed by the other party provided that conclusive evidence thereof can be produced that such major breach of contract has arisen through reasons other than Force Majeure.

SECTION XIV

EFFECTIVENESS

This Contract shall come into effect on the Effective Date.

This Contract shall not be annulled, amended or modified in any respect except by the mutual consent in writing of the parties hereto.

BEST COPY AVAILABLE

IN WITNESS WHEREOF, the parties hereto have executed this Contract, in duplicate and in the English language, as of the day and year first above written.

P.N. PERTAMBANGAN MINJAK NASIONAL

By ______________________
MAJOR GENERAL DR. IBNU SUTOWO
CHIEF DIRECTOR

JAPAN PETROLEUM EXPLORATION CO., LTD.

By ______________________
HIDEO OKADA
PRESIDENT

Approved by :

DIRECTOR GENERAL FOR OIL AND GAS AFFAIRS.

____
MAJOR GENERAL DR. IBNU SUTOWO

Exhibit "A-2"

Description of Contract Area Outlined Approximately on Exhibit "A-1"

Using the Greenwich Coordinate System, beginning at a point "A" located 4°9'30" North Latitude, 117°32'30" East Longitude, proceed due east in a direct line to point "B" located at 4°9'30" North Latitude, 118°20'50" East Longitude, thence proceed southwesterly in a direct line to point "C" located at 2°33'40" North Latitude, 118°0'0" East Longitude, thence proceed southeasterly in a direct line to point "D" located at 2°0'0" North Latitude, 118°30'20" East Longitude, thence proceed southeasterly in a direct line to point "E" located at 1°16'0" North Latitude, 118°41'0" East Longitude, thence proceed northwesterly in a direct line to point "F" located at 2°0'0" North Latitude, 117°50'0" East Longitude, thence proceed northeasterly in a direct line to point "G" located at 2°17'30" North Latitude, 118°4'50" East Longitude, thence proceed northwesterly in a direct line to point "H" located at 3°13'0" North Latitude, 117°17'30" East Longitude, thence proceed northeasterly in a direct line to point "I" located at 3°34'30" North Latitude, 117°29'30" East Longitude, thence proceed northeasterly in a direct line to point "J" located at 3°42'40" North Latitude, 117°48'40" East Longitude, thence proceed northwesterly in a direct line to point "K" located at 4°8'30" North Latitude, 117°30'20" East Longitude, thence proceed northeasterly to a point of beginning "A" located at 4°9'30" North Latitude, 117°32'30" East Longitude.

The Tarakan Island and Bunju Island and the onshore parts in the area described within the above lines shall be excluded.

The area described above shall be termed "Offshore Bunju Area".

Exhibit "B-2"

Description of Contract Area Outlined Approximately on Exhibit "B-1"

Using the Greenwich Coordinate System, a point of origin is established at 0°34'40" South Latitude, 117°20'40" East Longitude, from said point of origin proceed due southwest across the Mahakam River, point "A" is located at the point of intersection of the said direct line with the high tide left shore line of the Mahakam River and point "I" is located at the point of intersection of the said direct line with the high tide right shore line of the Mahakam River. Beginning at point "A" proceed northerly along a line coincidental with the high tide shore line of the Mahakam River, thence proceed northerly along the high tide shore line to a point "B" located at the point of intersection of the high tide shore line at 0°[illegible]'50" South Latitude, thence proceed southeasterly in a direct line to a point "C" located at 0°24'40" South Latitude, 11[illegible]°[illegible]'00" East Longitude, thence proceed southwesterly in a direct line to a point "D" located at [illegible] South Latitude, 116°[illegible]'20" East Longitude, thence proceed northwesterly in a direct line to a point "E" located at the point of intersection of the high tide shore line at [illegible]'00" South Latitude, thence proceed northwesterly along a line coincidental with the high tide shore line to a point "F" located [illegible] the point of intersection of the high tide shore line at 11[illegible]°[illegible]'00" East Longitude, thence proceed northeasterly on a tangent line to a point "G" located at the first point of contact [illegible] the tangent line on the Cape northeast of [illegible] [illegible], thence proceed northeasterly in a line coincidental with the high tide shore line to a point "H" located at the point of intersection of the high tide shore line with a direct line due [illegible] from a southernmost high tide point of the Cape south of Balikpapan, thence proceed due east to the said point at the southernmost point of the Cape south of Balikpapan, thence proceed northeasterly along a line coincidental with the high tide shore line and the high tide right shore line of the Mahakam River to point "I" thence proceed to the point of beginning "A".

BEST COPY AVAILABLE

EXHIBIT "C"

Attached to and made an integral part of the CONTRACT between P.N. PERTAMBANGAN MINJAK NASIONAL and JAPAN PETROLEUM EXPLORATION CO., LTD.

ACCOUNTING PROCEDURE

Article I

General Provisions

1. **Definitions**

The accounting procedure herein provided for are to be followed and observed in the performance of either party's obligations under the Contract to which this exhibit is attached. The definitions and terms appearing in this Exhibit "C" shall have the same meaning as those defined in said Contract.

2. **Accounts and Statements**

PERMINA's accounting records and books will be kept in accordance with generally accepted and recognized accounting systems, consistent with modern petroleum industry practices and procedures.

Article II

Operating Costs

PERMINA shall maintain an "Operating Costs Account" in which there shall be reflected all Operating Costs incurred in connection with Petroleum Operations carried out under this Contract.

Expenditures for :

1. Wages and salaries
2. Purchase of materials
3. Contract Service
4. Depreciation

should be shown separately in the account. Without limiting the generality of the foregoing, the following costs and expenditures

1. Personnel Expenses

All payments made or expenses incurred covering JAPEX's salaries and wages of personnel directly engaged or assigned, be it temporarily or continuously, in connection with the Petroleum Operations carried out under this Contract, including customary employee benefits.

2. General Administrative Expenses

2.1. Salaries and expenses of JAPEX's personnel serving the Operations hereunder whose time is not allocated directly to the respective projects and costs of maintaining and operating a general and administrative office for this operation and necessary sub-offices.

2.2. JAPEX shall, subject to the Contract, charge a reasonable administrative overhead charge for specific services rendered the operations conducted under the Contract by JAPEX and its affiliated companies, such charges to represent the estimated cost of services performed for the benefit of said operations as determined by a detailed study.

3. Buildings

Building costs, maintenance and related costs and rents paid for all offices, houses, warehouses, and other type buildings, including housing and recreational facilities for employees, and cost of equipment, furniture, fixtures and supplies necessary for the operation of such buildings and facilities, all of which are maintained by PERTAMINA in the performance of its obligations under the Contract.

4. Equipment and Rentals

Cost of equipment, machinery, materials, articles, supplies and facilities purchased for or furnished to the Petroleum Operations and rentals or compensation paid or incurred for the use of any equipment and facilities necessary in carrying out Petroleum Operations.

5. Transportation

Transportation of any expatriate and Indonesian employees between Japan and other countries and Indonesia necessary for the Operations under this Contract. Transportation of equipment, materials and supplies between Japan and Indonesia and other countries and Indonesia for the Operations necessary under this Contract, including cost of packaging, handling, brokerage.

6. Contract Services

The costs of foreign contract service, contract employees and utilities procured from foreign sources.

7. Insurance and Claim

Premiums paid for insurance normally required to be carried for the operations relating to JAPEX's obligations conducted under the Contract, together with all expenditures incurred and paid in settlement of any and all losses, claims, damages, judgments, and other expenses, including legal services not recovered from insurance carrier.

If no insurance is carried, all actual expenditures incurred and paid by JAPEX in settlement of any and all losses, claims, damages, judgments, and other expenses, including fees relating to JAPEX's obligations under the Contract.

8. Other Expenditures

Any expenditure, other than expenditures which are covered and dealt with by the foregoing provisions of Article II of this Exhibit "C", incurred by JAPEX for the necessary and proper conduct of its obligations under the Contract, including any amounts paid to PERMINA as provided in Section [illegible], Paragraph 2, Sub-paragraph 2.4. of this Contract of which this Exhibit "C" is a part.

9. Depreciation

In accordance with Section IX, depreciation to included in the operating costs shall be reimbursed by JAPEX to PERMINA out of the proceeds of maximum 40% of Crude Oil annually, representing all the Operating Costs recovered by JAPEX as referred to in Section VI.

Article III

Basis of Charges

1. Technical Services

A fair rate shall be charged for technical services performed by JAPEX, or JAPEX's affiliated companies for the benefit of the operations conducted under the Contract, such as gas, water, core and any other analysis and tests, provided such charges shall not exceed those currently prevailing if performed by outside technical service companies.

2. Purchase of Materials

Materials and equipments purchased and service procured for use in operations conducted under the Contract shall be charged to the Operating Costs Account. Price shall include such costs as export broker's fees, transportation charges, loading and unloading fees and licence fees associated with the procurement of material and equipment, and in transit losses not recovered through insurance. In purchasing such materials and equipments PERMINA shall be consulted , if necessary.

[illegible] dg
[illegible]

BADAN KOORDINATOR KONTRAKTC ASING

1. TAC / CON / PSC : PERTAMINA- JAPAN PETROLEUM EXPLORATION CO. LTD.
2. Date : 6.10.1966 Effective Date 31.3.1967 - 30 years.
3. Contract Area : Off. Bunyu & Mahakam East Kalimantan; 16.87 Sq.Kms.
4. Operator : Japex Co. Ltd.; Total Indonesie.
5. Bonus :

6. Commitment Investment :

1st	Fiscal year	US$ 300.000,-
2nd	Fiscal year	US$ 600.000,-
3rd	Fiscal year	US$ 1.200.000,-
4th	Fiscal year	US$ 1.600.000,-
5th	Fiscal year	US$ 1.800.000,-
6th	Fiscal year	US$ 2.000.000,-

7. Donation

Annex 130

MINISTRY OF LANDS AND MINES, *ANNUAL REPORT OF THE GEOLOGICAL SURVEY, BORNEO REGION, MALAYSIA*, 1967, P. 30

INSTITUTE OF PETROLEUM
LIBRARY

MINISTRY OF LANDS AND MINES

ANNUAL REPORT
OF THE
GEOLOGICAL SURVEY, BORNEO REGION MALAYSIA

1967

P. Collenette
Director

Field parties visited Klias and Labuan Island in connection with correlation of surface outcrops with the section in the marine well Gordon 1.

The cost of exploration in Sabah by Sabah Shell Petroleum Company in 1967 amounted to M$37,021,000.

Sabah Teiseki Oil Company holds an oil prospecting licence over 137 square miles in the Sebatik area (12 in fig. 8) and during the year an application by the Company for a further 7,346 square miles covering much of the Dent and Semporna Peninsulas and adjacent marine areas was approved (13 and 14 in fig. 8). The Company completed drilling a further 2 structural wells at the northwestern end of Sebatik Island from January to March, having drilled 3 in 1966. Detailed geological surveys were made in Umas Umas Valley, the Sebatik Simandalan area and the Silimpopon and Kalabakan areas. A land gravity survey was made west of Tawau and 866 stations established.

Aquitaine Petroleum Company (South East Asia), a subsidiary of Societe Nationale des Petroles d'Aquitaine, holds a marine prospecting licence for about 2,648 square miles off the northeast coast of Sabah (11 in fig. 8) and an application to extend this by a further 230 square miles was approved during the year. During 1967 a marine seismic survey was carried out over the southeastern half of the licence area, 403 statute miles of line being shot by the reflection method. In addition 106 refraction probes were shot. The approximate cost of the exploration during 1967 was M$792,000.

Esso Exploration Malaysia Incorporated holds two marine oil prospecting licences totalling 7,680 square miles and a land licence over 4,090 square miles (9, 10, and 8 respectively in fig. 8). A 930 square miles extension to the marine area was approved during the year. The Company continued investigations of surface geology, a shallow drill being used to collect unweathered material for palynological and palaeontological study. A reconnaissance marine seismic survey was carried out from February to May over the offshore licence areas. The profiles were shot by Western Geophysical Company with a deep-water streamer, using a 6-fold Common Depth Point Method.

PHOPHATE occurs as guano in caves in Sabah. The largest group of deposits, in the Gomantong caves, is estimated to contain 12,000 tons, and the reserves in the Madai caves are estimated to be 3,400 tons (Wilford, *Ann. Rept for 1951*, p.58).

OTHER MINERAL OCCURRENCES include antimony ore, bauxite, dolomite, fullers' earth, magnesite, molybdenite, monazite, platinum, salt, silver, sphalerite, and talc. *Antimony ore* occurs at Rendagong, south of Ranau, and although an investigation of this deposit showed that stibnite does not occur in mineable amounts (Collenette, *Mem.* 6, pp.142-6), the area requires further study following the identification of cinnabar and scheelite from stream sediment nearby. Ferruginous *bauxite* nodules have formed over basic igneous rocks at several places particularly in the Lower Labuk and colluvial deposits formed from them

Annex 131

OIL PROSPECTING LICENCE ISSUED BY THE MINISTER OF NATURAL RESOURCES OF THE STATE OF SABAH TO SABAH TEISEKI OIL COMPANY SDN.BHD. DATED 1 JULY 1968

Dated the 1st day of July 1968

The Minister of Natural Resources
of
The State of Sabah
and
Sabah Teiseki Oil Company SDN.BHD.

Oil Prospecting Licence

(The Land Ordinance (Cap. 68) section 39)

[illegible]

[illegible]

1. [illegible] (1964年7月[illegible]) Old Concession, date of signing July 16 1964

Point	Latitude	Longitude	
A	4° 20' 00" N	117° 30' 00" E	(新鉱区陸上 Area II Point T と同じ)
B	4° 17' 30" N	117° 30' 00" E	(〃 〃 〃 U 〃)
C	4° 10' 30" N	117° 40' 00" E	(〃 〃 〃 V 〃)
D	4° 16' 30" N	117° 45' 00" E	(新鉱区海上 Point 10 と同じ)

2. 新鉱区陸上 (1968年7月1日[illegible]) New Concession onshore, date of signing July 1, 1968

AREA I

Point	Latitude	Longitude
A	5° 42' 00" N	118° 00' 00" E
B	5° 52' 00" N	118° 10' 00" E
C	5° 48' 00" N	118° 22' 00" E
D	5° 40' 04" N	118° 30' 04" E
E	5° 30' 02" N	118° 07' 02" E
F	5° 24' 30" N	118° 01' 18" E
G	5° 07' 10" N	118° 01' 18" E
H	5° 07' 10" N	118° 00' 38" E
I	5° 10' 07" N	118° 00' 38" E
J	5° 10' 07" N	118° 11' 07" E
K	5° 12' 00" N	118° 11' 07" E
L	5° 12' 30" N	118° 14' 07" E
M	5° 10' 00" N	118° 13' 00" E
N	4° 59' 00" N	118° 17' 30" E
O	5° 30' 00" N	118° 00' 00" E

AREA II

Point	Latitude	Longitude
P	4° 34' 00" N	117° 17' 45" E
Q	4° 34' 00" N	118° 15' 00" E
R	4° 38' 30" N	118° 35' 30" E
S	4° 21' 00" N	117° 37' 30" E
T	4° 20' 00" N	117° 30' 00" E
U	4° 17' 30" N	117° 30' 00" E
V	4° 10' 30" N	117° 40' 00" E
W	4° 15' 45" N	117° 44' 30" E
X	4° 10' 30" N	117° 54' 15" E
Y	4° 20' 30" N	117° 17' 45" E

The boundary between points M and N, between R and S, and between W and X follows the low water mark as used to define Territorial waters. The boundary between X and Y follows the International boundary. 1

3. 新鉱区海上 (1968年7月1日[illegible]) New Concession offshore, date of signing July 1, 1968

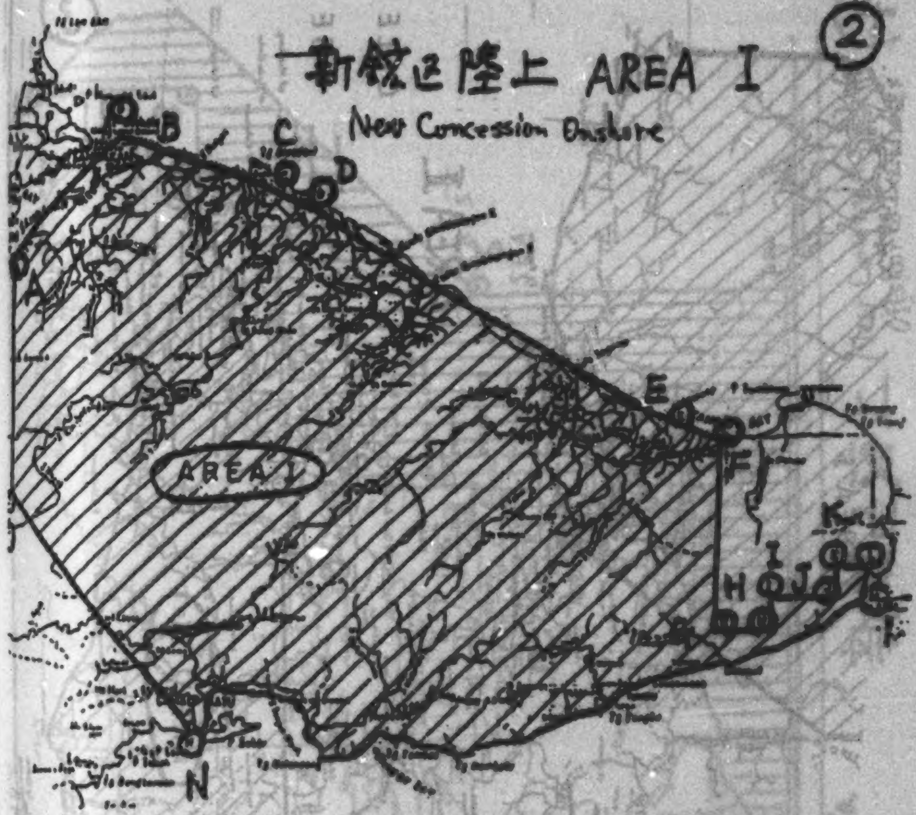
Point	Latitude	Longitude	Point	Latitude	Longitude
1	Low water mark	118° 38' 00" E	7 a	4° 10' 30" N	117° 58' 00" E
2	5° 10' 00" N	119° 13' 00" E	7 b	4° 11' 30" N	117° 57' 00" E
3	5° 10' 00" N	119° 22' 30" E	8	4° 10' 00" N	117° 54' 15" E
4	International Boundary	119° 22' 30" E	9	4° 15' 45" N	117° 44' 30" E
			10	4° 16' 30" N	117° 45' 09" E
5	5° 10' 00" N	119° 35' 00" E	11	4° 21' 00" N	117° 57' 30" E
6	4° 42' 00" N	119° 00' 00" E	12	4° 38' 30" N	118° 25' 30" E
7	4° 10' 30" N	118° 00' 00" E	13	4° 40' 00" N	118° 30' 00" E

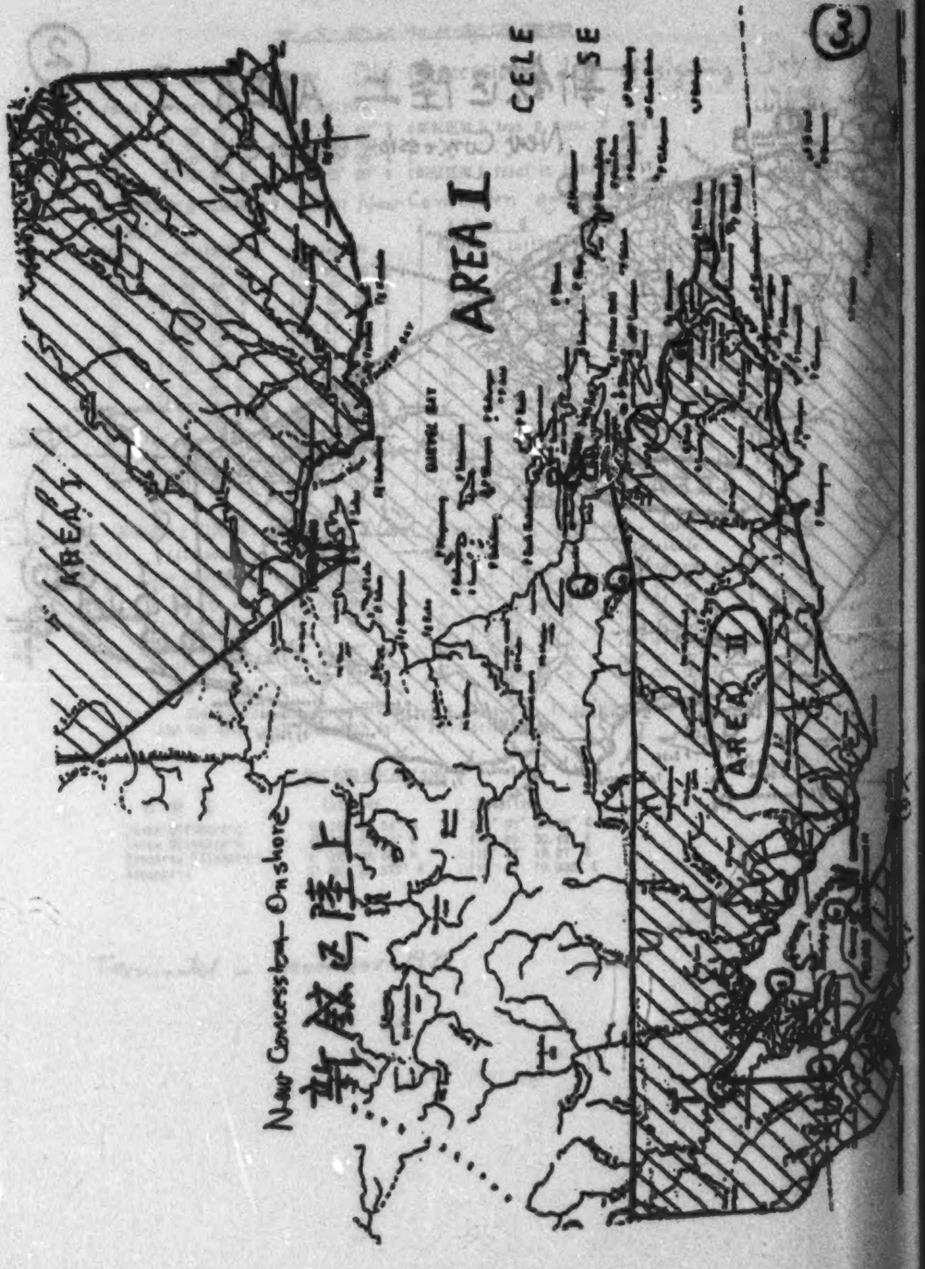
The boundary between points 1 and 2, 8 and 9, 11 and 12 follows the low water mark as used to define Territorial waters

[illegible]

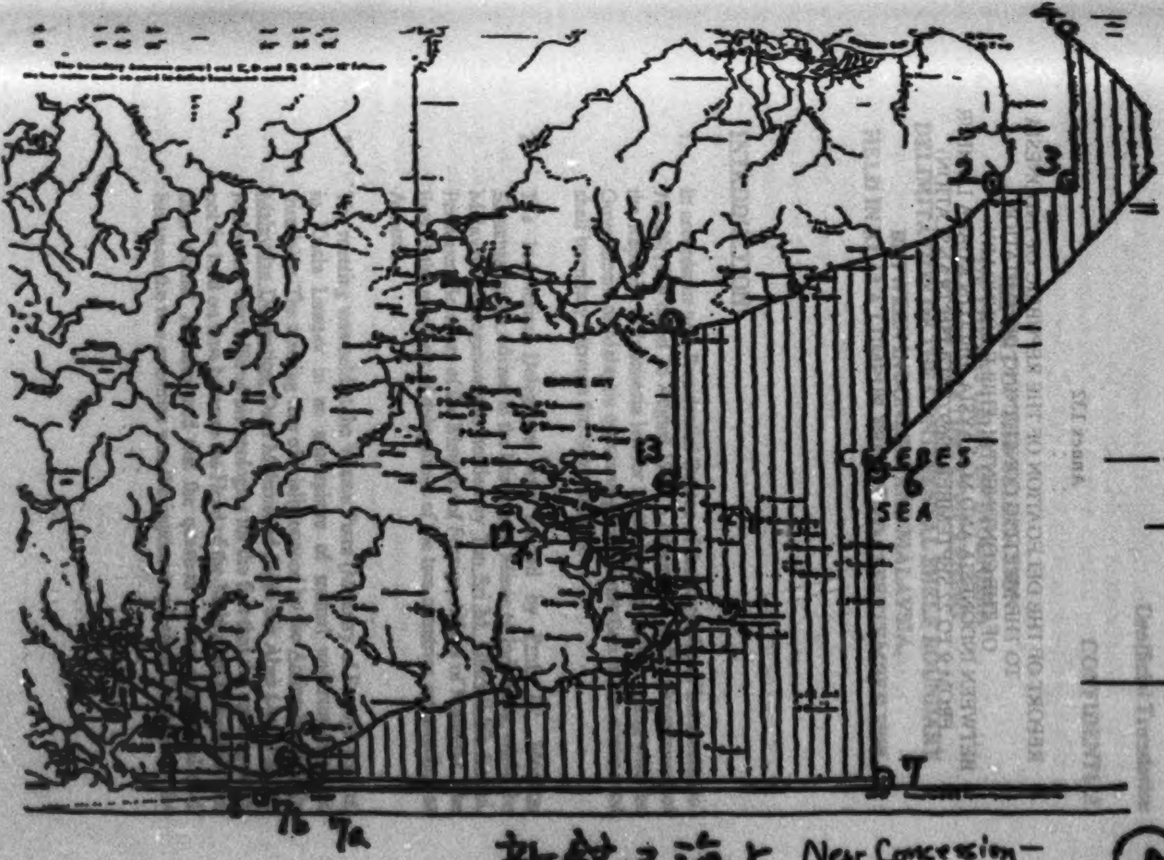
坑 井 名	Latitude	Longitude
Tawau Offshore-1	4° 10' 30.54" N	118° 07' 20.95" E
Tawau Offshore-2	4° 13' 52.66" N	118° 06' 20.40" E
Semporna Offshore-1	4° 12' 50.80" N	118° 42' 19.07" E
Sebahat-1	5° 02' 23.377" N	118° 08' 10.536" E

Terminated in November, 1978


②
新鉱区陸上 AREA I
New Concession Onshore
A
B
C
D
E
F
H
I
J
K
L
N
AREA I


③
CELE
SE
AREA I
AREA I
AREA II
New Concession — Onshore
新 之陸上

④


CELEBES SEA
1
2
3
6
7
7a
7b
10
11
12
13

新鉱区海上 New Concession–
Offshore

Annex 132

REPORT OF THE DELEGATION OF THE REPUBLIC OF INDONESIA TO THE MEETING CONCERNING DELIMITATION OF THE CONTINENTAL SHELF BOUNDARY BETWEEN INDONESIA AND MALAYSIA, HELD IN KUALA LUMPUR FROM 9 TO 22 SEPTEMBER 1969 (ENGLISH TRANSLATION)

Unofficial Translation

CONFIDENTIAL

REPORT OF THE DELEGATION OF THE REPUBLIC OF INDONESIA TO THE MEETING CONCERNING DELIMITATION OF THE CONTINENTAL SHELF BOUNDARY BETWEEN INDONESIA AND MALAYSIA, HELD IN KUALA LUMPUR FROM 9 TO 22 SEPTEMBER 1969

I. INTRODUCTION

1. In accordance with Presidential Decree of the Republic of Indonesia No. 78/LN/1969 dated 26 August 1969, a Delegation of the Government of the Republic of Indonesia left for Kuala Lumpur for a meeting with the Government of Malaysia concerning the delimitation of the continental shelf boundary between the two countries.

2. The Indonesian Delegation was headed by Prof. Dr. Mochtar Kusumaatmadja Adviser to the Minister of Mines of Indonesia; while the Malaysian Delegation was headed by Tan Sri M. Ghazali bin Shafie, Permanent Secretary of the Ministry of Foreign Affairs of Malaysia. The lists of the members of delegations of the two countries are attached at Annex I.

3. The meeting was held at the Wisma Putra (Ministry of Foreign Affairs) in Kuala Lumpur in an atmosphere of mutual understanding and friendship. The meeting was officially opened by the Acting Head of the Malaysian Delegation, Dato Mohammed Salleh bin Abas (*Jaksa Agung Malaysia*) who offered his apologies for the fact that the opening could not be held on time because the Head of the Malaysian Delegation was then abroad. He also said that the question on the continental shelf between the two countries was the important question. Considering the

good relations between the two countries, he expressed the hope that both delegations would not harden their respective positions but would instead be flexible in trying to find a common approach and understanding in order to solve the problem amicably in accordance with principles of law and justice.

4. In response, the Head of the Indonesian Delegation conveyed his delegation's gratitude and appreciation for the hospitality extended by the Government and people of Malaysia and expressed confidence that the atmosphere of friendship and brotherhood will contribute to the successful conclusion of the meeting. Furthermore, he also said that in accordance with international law and state practices, mineral and other resources of the sea-bed and subsoil and those located between two countries but outside their territorial seas, belong to and are under the sovereignty of the two countries. In this regard, it is necessary to hold meetings between the two countries to determine their continental shelf boundary, in the hope that they can reach an agreement that would serve their respective national interests.

II. THE MEETING

1. The Measurement of the Continental Shelf Boundary

a. During the first plenary meeting on 9 September 1969, the Indonesian delegation stated the view that in order to determine the continental shelf boundary, it would first be necessary to determine the main principles that would be used for drawing the boundary line. For this purpose, the Indonesian delegation proposed that the determination of the continental shelf boundary be based on a "median line drawn from the outermost islands," and the boundary line in the Malacca Strait be drawn on the basis of the low water mark to the mainland.

b. The Malaysian side stated that it would be useful if there were one method of drawing a median line that could be applied on the entire continental shelf area between the two countries.

c. After discussing the matter, both sides agreed that the continental shelf boundary between Indonesia and Malaysia would consist of a median line drawn as a straight line connected to points of the outermost islands of each country.

d. The Indonesian delegation accepted this principle on the basis of the following considerations:

(1) In principle this method was similar to its proposal for the drawing of a median line based on a provision of Government Announcement of 17 February 1969;

(2) This method constituted a confirmation of the understanding reached by Malaysia and Indonesia in their informal talks held in Kuala Lumpur in April 1969; and

(3) This method was in line with the Law of the Government of Indonesia No. 4 of 1960 on Territorial Waters, particularly in relation to the method of drawing of base lines.

e. Having reached an agreement on the method of drawing the median line, the meeting decided that the National Mapping officials of Malaysia and the officials of the Naval Hydrographic Agency of Indonesia hold their own separate meeting to jointly determine such a median line and to designate its coordinates for submission to the plenary meeting.

2. Mapping Process:

a. The mapping experts of Indonesia and Malaysia held a series of meetings from 10 to 13 September 1969 at the premises of the Ministry of Land and Mines of Malaysia.

b. During the meeting, the Indonesian side was represented by Major (Navy) Adie Sumardiman (Naval Hydrographic Agency), Major (Navy) Gunarjoto (Naval Hydrographic Agency), and Mr. Ir. Soembarjono (Directorate General of Oil and Natural Gas). The Malaysian side was represented by Hadji Mohamed Yasin (Director of National Mapping, Malaysia), Kok Swee Kok (Assistant Director of National Mapping), and Tunak bin Hamzah (Chief Cartographer).

c. During the meeting, the Indonesian side presented two maps, namely a map of the Malacca Straits (Map No. 4) and a map of the South China Sea (Map No. 31) with their base points, base lines and coordinates. The Malaysian side only used one map, namely map No. 30, 1969, which also indicated base points, base lines and coordinates.

d. The Malaysian side stated that some Indonesian base points in fact are not included in its Law No. 4 of 1960, these are:

- Pulau Tokong Boro in the South China Sea
- Pulau Pengibu in the South China Sea
- Tandjung Parit in the Malacca Straits, and
- Pulau Batu Mandi in the Malacca Straits.

e. After the Indonesian side explained that the base points used were special base points for the purpose of delimitation of the continental boundary and that such base points were reasonable, The Malaysian side accepted that explanation.

3. The Results of the Separate Meeting on Mapping

a. On the Malacca Straits

(1) Joint mapping with the use of a straight base line system from the outermost islands showed that a part of a "mining work area" granted to Mobil Oil Indonesia in the Malacca Straits crossed the median line and extended into an area that was designated as part Malaysia as a result of some base lines drawn from Pulau Perak (Malaysia) directly to Pulau Djarak (Malaysia). (Such a mining work area, in fact, had been drawn on the basis of a median line that was drawn on the low-water mark of the mainland).

(2) In view of this development, the Indonesian side tried to secure and protect the mining work area of Mobil Oil by proposing that Malaysian base lines drawn from Pulau Perak should not directly go toward Pulau Djarak (approximately 120 miles), but should be directed first toward Pulau

Penang. The Malaysian side rejected this proposal because Indonesia itself also drew the base lines in its area without any clear criteria regarding the length of base lines between two islands (Indonesia also had base lines that were approximately 120 miles long). The system that had been used was the use of outermost points that had been agreed upon, and not the system of measurement of the low-water mark from the mainland or a combination of the two systems.

(3) The suggestion of the Indonesian side to share the mining work area of Mobil Oil which was found to be located on the Malaysian continental shelf area was also rejected by the Malaysian side, saying there were to be no "overlapping concessions" in the area. Indonesian proposal to divide the mining work areas into two parts was also weakened by the fact that the mining work area of Mobil Oil did not have any clear coordinate points.

(4) The Indonesian side had to consider that if it insisted on the outermost points system in order to help Mobil Oil in the Malacca Straits, it could as a consequence lose a large area in the South China Sea which was more important to Indonesia than the Malacca Straits. So Indonesia reluctantly accepted the method of drawing straight base lines in the Malacca Straits.

b. The Western part of South China Sea

The median line in the western part of the South China Sea was closer to the Indonesian view that all the concessions that had been contracted with the Malaysian side by the oil companies would have to be accommodated. In this particular sector the Indonesian had a larger area than the Malaysian side. Moreover, this area had shown promise as an oil exploration area.

c. The Eastern part of the South China Sea

The median line that has been plotted on the map of the eastern part of South China Sea (Serawak beaches) was practically verified the Indonesian view that the Shell concession lines principally lay in areas that actually belong to Indonesia.

4. The Serawak Shell Problems:

a. Although at the second plenary session on 15 September 1969, the Malaysian side agreed to the application of "the median line" that both sides had mapped together, the Malaysian side was nevertheless reluctant to allow " the agreed median line" as a continental base line to the eastern part of the South China Sea (near Serawak). It raised the following arguments:

- The Serawak Shell concession had been granted by the British Serawak Government in 1956, well before the independence [illegible] Malaysia. It antedated the Geneva Convention on the Continental Shelf (1958), the passage of Indonesian Law No. 4 of 1960 as well as the existence of the Malaysian Federation itself.

- The Malaysian side was concerned that this particular issue could bring about political complications with the Serawak State in the Federation of Malaysia.

b. That is why the Malaysian side wanted that the boundaries of the Shell concession be the continental shelf boundaries between Indonesia and Malaysia in Serawak. The Malaysian side would make a minimum retreat in Serawak after the issue of the boundary with Sabah arose (see No.5 below).

c. The Malaysian delegation then agreed to yield the Shell concessions that overlapped with the mining working areas of AGIP, CONOCO, and Frontier. They agreed to bear the loss just so an agreement could be reached. The Malaysians, however, reiterated their position that the particular areas in question be divided between the "agreed median line" and the Shell concession line. The Indonesian side objected on grounds "the agreed median line was situated more to the west from the border of the mining working areas of AGIP, CONOCO, and Frontier in the eastern part. The Malaysians finally agreed to divide the mining working areas into two, with the AGIP, CONOCO, and Frontier on the eastern end and the Shell concession line on the western end. (The Head of the Malaysian delegation at this point stated that they would not move their position again).

d. The interest of Indonesia was to secure the geological structures that had great potential for oil. That meant settling the matter by dividing the two overlapping Shell concessions. The result of this would be that almost all the said geological structures would be placed in the Indonesian zone.

e. The alternative would have been the failure of the meeting so that the issue of the overlapping of the work areas of Sarawak Shell with the AGIP, CONOCO, and Frontiers would remain unresolved. The Indonesian delegation thereafter went into a huddle and listened to a briefing by oil mining experts. After that the Indonesian delegation decided to accept the Malaysian proposal.

5. The Issue on the Continental Shelf Boundaries in Sabah

a. At the second plenary session on 15th September 1969, the Malaysian side officially stated that the continental boundary lines in Sabah would also be decided during the meeting. The Indonesian side asked that the Indonesian delegation be allowed to discuss the matter first among themselves. The Indonesian delegation had been under previous instruction not to take up in the meeting the continental shelf boundary between Sabah and East Kalimantan.

b. In order to seek guidance on the matter, Colonel Benny Moerdani contacted by single side band (SSB) radio the head of the Asia-Pacific Directorate of the Department of Foreign Affairs in Jakarta (Brig. Gen. Supardjo) on 16 September 1969. Brig. Gen. Supardjo suggested that the Indonesian Delegation contact the Director-General for Political Affairs, Department of Foreign Affairs (Mr. Drs. Chaidir Anwar Sani) who would be arriving in Singapore the following morning, 17 September, on his way to New York. The Indonesian Delegation then sent Mr. Hasjim Djalal to Singapore to meet with the Director-General for Political Affairs, Department of Foreign Affairs.

c. The Director-General for Political Affairs, Department of Foreign Affairs, Mr. Chaidir Anwar Sani, agreed in principle to the request of Malaysia that the meeting also discuss the matter of the continental shelf boundary in Sabah, provided the discussions remain at the technical stage so that the results would also be of a technical nature without any political implication.

d. To strengthen the technical nature of the discussion and its outcome in accordance with the condition stipulated by the Director-General for Political Affairs, Department of Foreign Affairs, as well as to speed up the ratification process (through Presidential Decree), the Indonesian side requested that there be a note of understanding stating that the discussion and any agreements reached thereafter would be limited to a technical nature.

e. In accordance with the Malaysian request for discussions on the continental shelf boundary lines in Sabah, meetings were held between technical experts from both delegations to set the median line in the said area :

- In those meetings there were differences of opinion between the Indonesian side and the Malaysian side concerning the status of pulau Sipadan and pulau Ligitan, both of which lie in the to the south of eastern Sabah and are very important in deciding the base line for the measurement of the median line.

- The Malaysian view was that the two islands are Malaysian islands, in particular because both lie outside the marine territory of as delineated in Indonesian Law No.4 of 1960. The Indonesian side also stated that both islands belong to Indonesia, on the basis of evidence found in the maps issued by the Malaysian National Mapping Agency itself.

f. Because of this difference in views, the matter was placed before the sixth plenary session on 19 September 1969. During this session, the Malaysian side and the Indonesian side both stood their ground.

g. To avoid a deadlock, the Malaysian side suggested that the matter of the continental shelf boundary line in Sabah be omitted from the body of the Agreement. Therefore, the matter of Sabah which was originally brought up by the Malaysian side, was withdrawn on its own request.

b. The Indonesian side accepted the recommendation by the Malaysian side, as the matter would need further study, including research on whatever agreements might have been concluded in the past by the Dutch (the former Government of the Netherlands East Indies) with Great Britain, Spain and the United States of America. Besides, the withdrawal of this matter would also forestall political complications with the Philippines.

6. Preparation of the Draft Agreement :

a: Besides the separate meetings between the mapping experts, meetings were also held between Mr. Hasjim Djalal of the Indonesian side and Inche L.C. Vohrah of the Malaysian side for the purpose of drafting an agreement that would be presented to the plenary session.

b. The said draft Agreement was discussed at the third and fourth plenary sessions on 16 and 17 September 1969 respectively. During the fifth plenary session on 18 September 1969. (Full text of the Agreement in Annex III).

c. The outcome of the separate meetings on legal matters were precisely in accordance with position prepared beforehand by the Indonesian delegation. It consisted of rules governing continental, shelf boundaries, single geological structures, rules of adjustment in domestic area, etc.

7. Other Matters

a. The last plenary session on 19 September 1969 agreed on the following :

- Both delegations would initial the Agreement. Decisions on the actual signing would be communicated through diplomatic channels.
- The construction maps that were used were the Indonesian maps, and both parties would initial the said maps at the Ministerial level.
- The illustration maps would be attached as annex to the Agreement.

b. Allowing time for the preparation of illustration maps, the ceremony for the initialing of the Agreement was scheduled to be held on Monday, 22 September 1969, at 02.30 pm, at the Wisma Putra (The Ministry of Malaysia), Kuala Lumpur.

- During this ceremony the Indonesian side would be represented by the Head of Delegation, while the Malaysian side would be represented by Inche Mahajuddin bin Zain, Setia Usaha Ministry of Land and Mining, because the Head and Alternate Head of the Malaysian Delegation were out of the country when the ceremony would take place.

- Both sides would also be signing a Note of Understanding (see Annex IV).

- A joint press statement on the matters discussed would also be issued (see Annex V).

III. CONCLUSION

1. With regard to the Government announcement of 17 February 1969 on the Continental Shelf and Law No.4/1960 concerning the Territorial Sea, the Meeting achieved maximum outcome.

2. In the light of the implementation of the Five-Year National Development Plan and from the point of view of international law, the Agreement served as a legal instrument that gave Indonesia firmer control of the mining work area, which new had a distinct boundary. Furthermore, the Agreement would preclude any overlapping areas and disputed areas between the two countries. More important, it would remove all doubts by foreign contractors on the validity and legality of their contracts with Indonesia.

3. The following were the consequences of territorial boundaries being drawn as median lines on the basis of the coordinates of the outermost points of each state:

   a) The Malaysian Perak and Djerak islands located at the center of the Malacca Strait gave Malaysia a wider area at the northern part of the Malacca Strait, and placed within that area a part of the Mobil Oil mining work area.

b) Indonesia, however, gained a much wider area in the western part of the South China Sea that geologically had great potential for oil.

c) In the eastern part of the South China Sea (Sarawak offshore), Indonesia gained half of the Sarawak Shell area that had been granted 13 years before. Most of that area, west of 110 east longitude, is known to have a geological structure that can be adapted to the Indonesian continental shelf.

d) From the point of view of geological mining, the South China Sea area was crucial because of the potential benefits that could be derived from it. More important, the Malacca Strait is one of the most important sea-lanes in the world and should therefore be free from mining activities.

4) On the whole, it is apparent that Indonesia's interest with regards to the continental shelf and from the geological mining and legal points of view, had been considerably protected.

IV. SUGGESTIONS

1. On the Agreement:

a) The signing and ratification of the Agreement in due time would secure the results achieved through it.

b) The signing and ratification of the Agreement are important in avoiding a time gap that could lead to unexpected complications with both the oil companies and interested foreign governments.

c) Further specialized research on Sipadan and Ligitan islands to the south of eastern Sabah could in the future help in the settlement of the issue of ownership of these disputed islands between Malaysia and Indonesia.

2. Others

a) During the Meeting it became apparent that there is a close relationship between territorial sea and continental shelf, especially in the case of the Malacca Strait, even if the area involved was only 24 nautical miles long.

b) It has therefore been suggested that meetings be held between Malaysia and Indonesia on terriorial sea boundaries.

V. CLOSING

The Indonesian delegation would like to express its sincere thanks especially to H.E. Ambassador H.A. Thalib for his kind assistance and to Col. Benny Moerdani for his valuable contributions to the successful attainment of the delegation's mission, and to the staff of the Indonesian Embassy in Kuala Lumpur.

Singapore, 24 September 1969

Head of the Indonesian Delegation

(Signed)

Prof. Dr. Mochtar Kusumaatmadja, SH, LL.M

Annex 133

PRESS STATEMENT BY THE INDONESIAN AND MALAYSIAN DELEGATIONS TO THE TALKS ON THE DELIMITATION OF THE CONTINENTAL SHELVES BETWEEN MALAYSIA AND THE REPUBLIC OF INDONESIA., KUALA LUMPUR, DATED 22 SEPTEMBER 1969

PRESS STATEMENT BY THE INDONESIAN AND MALAYSIAN DELEGATIONS TO THE TALKS ON THE DELIMITATION OF THE CONTINENTAL SHELVES BETWEEN MALAYSIA AND THE REPUBLIC OF INDONESIA

The negotiation to delimit the Continental Shelves between Malaysia and Indonesia began in Kuala Lumpur on 9th September, 1969. The Indonesian delegation was led by Professor Dr. Mochtar Kusumaatmadja of Departmen Pertambangan (Ministry of Mining) and the Malaysian delegation was led by Dato Mohamed Sall bin Abas the Solicitor-General.

The negotiation was carried out in a friendly and cordi manner. Both sides fully recognised the need to delimit the Continental Shelves between the two countries as early as possibl

Both delegations were guided, in the course of the negotiation by the need to seek an equitable, fair and reasonable basis for agreement.

The two delegations after two weeks' deliberations and in the spirit of co-operation which prevails between their two countries have reached agreement on the delimitation of the continental shelf boundaries between the two countries in the Straits of Malacca, off the East Coast of West Malaysia and off the Coast of Sarawak. The Agreement on this delimitation has bee initialled to-day for the approval of the respective Governments.

Both delegations also recognised the need for their Governments to discuss related problems of territorial sea boundaries and the use of the seas between their two countries..

Kuala Lumpur.
22nd September, 1969.

Annex 134

LETTER FROM PROF. MAHYUDDIN BIN HAJI MOHD. ZAIN, SECRETARY, MINISTRY OF LANDS AND MINES, MALAYSIA, TO PROFESSOR DR. MOCHTAR KUSUMAATMADJA, LEADER OF THE INDONESIAN DELEGATION TO THE MALAYSIAN/INDONESIAN NEGOTIATION ON THE CONTINENTAL SHELF BOUNDARIES, DATED 22 SEPTEMBER 1969

Kuala Lumpur.

22nd September, 196

Professor Dr. Mochtar Kusumaatmadja,
Leader of the Indonesian Delegation to the
Malaysian/Indonesian Negotiation on the
Continental Shelf Boundaries.

Dear Professor,

I have the honour to acknowledge receipt of your letter dated 22nd September, 1969 which reads as follows:-

> Kuala Lumpur.
> 22nd September, 1969.
>
> Encik Mahyuddin bin Haji Mohd. Zain, J. S. M.,
> Secretary, Ministry of Lands and Mines,
> Malaysia.
>
> Dear Encik Mahyuddin,
>
> With reference to our negotiation and the Agreement concerning the delimitation of the continental shelf boundaries between our two countries, initialled today by us on behalf of our respective Governments, I have the honour to state our understanding that both the negotiation and the Agreement are purely and wholly of a technical nature.
>
> With my renewed assurances of the highest consideration,
>
> Yours sincerely,
>
> (Professor Dr. Mochtar Kusumaatmadja)
> Leader of the Indonesian Delegation.

I confirm that your letter and this reply constitute an understanding between us that the negotiation and the Agreement are purely and wholly of a technical nature.

With renewed assurances of my highest consideration,

Yours sincerely,

Mahyuddin

(Mahyuddin bin Haji Mohd. Zain)
Secretary, Ministry of Lands and Mines,
Malaysia.

Annex 135

LETTER FROM PROFESSOR DR. MOCHTAR KUSUMAATMADJA, LEADER OF THE INDONESIAN DELEGATION TO PROF. MAHYUDDIN BIN HAJI MOHD. ZAIN, J.S.M., SECRETARY, MINISTRY OF LANDS AND MINES, MALAYSIA, KUALA LUMPUR, DATED 22 SEPTEMBER 1969

Kuala Lumpur.

22nd September, 1969.

Enche Mahyuddin bin Haji Mohd. Zain, J.S.M.,
Secretary, Ministry of Lands and Mines,
Malaysia.

Dear Enche Mahyuddin,

With reference to our negotiation and the Agreement concerning the delimitation of the continental shelf boundaries between our two countries, initialled today by us on behalf of our respective Governments, I have the honour to state our understanding that both the negotiation and the Agreement are purely and wholly of a technical nature.

With my renewed assurances of the highest consideration,

Yours sincerely,

Mochtar

(Professor Dr. Mochtar Kusumaatmadja)
Leader of the Indonesian
Delegation.

Annex 136

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE GOVERNMENT OF MALAYSIA RELATING TO THE DELIMITATION OF THE CONTINENTAL SHELVES BETWEEN THE TWO COUNTRIES, DATED 27 OCTOBER 1969, INCLUDING MAP ENTITLED "CONTINENTAL SHELF AND TERRITORIAL SEA BOUNDARIES, INDONESIA-MALAYSIA, BOUNDARY REPORT 5-9(1)", IN CHARNEY, J.I., AND ALEXANDER, L.M., *INTERNATIONAL MARITIME BOUNDARIES*, VOL. I, ASIL/NIJHOFF, 1991, PP. 1019-1024

Indonesia–Malaysia (Continental Shelf)

Report Number 5–9(1)

Agreement between the Government of the Republic of Indonesia and the Government of Malaysia Relating to the Delimitation of the Continental Shelves between the Two Countries

Signed: 27 October 1969

Entered into force: 7 November 1969

Published at: National Legislative Series, UN Doc. No. ST/LEG/SER.B/16, p. 417 (1974)
Limits in the Seas No. 1 (1970)
9 ILM 1173 (1970)
I Canadian Annex 189 (1983)
II Libyan Annex No. 22 (1983)
I Conforti & Francalanci 139 (1979)

I SUMMARY

This agreement divides the continental shelves of Indonesia and Malaysia with three separate lines: one in the Strait of Malacca and two in the South China Sea. This was the first maritime boundary agreement in the region and was followed almost immediately by a series of such agreements within years of its coming into force.

The first of the three lines, drawn in the Strait of Malacca, is a median line about 339 nautical miles (n.m.) long (Points 1–10). Incidentally, this line was extended by a 1971 Indonesia–Malaysia–Thailand agreement (No. 6–12) to the tri-junction called 'the Common Point' defined in that agreement (Article 1(3)).

The second line in the instant agreement is drawn between the Malaysian peninsula and the Indonesian islands in the South China Sea. It is also a median line about 310 n.m. long (Points 11–20), its northern terminus being equidistant from the territories of Indonesia, Malaysia, Thailand, and Vietnam.

The third line is drawn also in the South China Sea laterally from the

J.I. Charney and L.M. Alexander (eds), International Maritime Boundaries, 1019–1027.
© 1993 The American Society of International Law. Printed in the Netherlands.

terminus of the Indonesian–Malaysian land boundary on the northern shore of Borneo and runs about 264 n.m. (Points 21–25).

All these three segments of the boundary were drawn mostly by equidistance from the parties' basepoints to divide their continental shelf. However, the boundary lines thus drawn would 'not in any way affect any future agreement which may be entered into between the two Governments relating to the delimitation of [their] territorial sea boundaries' (Article 3).

The agreement also includes provisions on how to determine the actual locations of the agreed points and on the procedures to recover unitized deposits of mineral resources from the agreement areas. It is also provided that disputes arising from the interpretation or implementation of the present agreement would be settled by peaceful means. Following the pattern embodied in this agreement, most of the other maritime boundary agreements in this region now contain similar provisions or their variations.

II CONSIDERATIONS

1 *Political, Strategic, and Historical Considerations*

Indonesia and Malaysia are situated opposite each other and, on the island of Borneo, they are adjacent as well. The world's first and largest archipelagic state, Indonesia had extended the limit of its territorial sea up to 12 n.m. in 1960, enclosing all of its 13,667 islands within its baselines.

In the case of Malaysia, it was not until the late 1960s that a series of measures were taken to assert its maritime jurisdiction, partly motivated by developments from without. Among such external developments were the Torrey Cannyon accident of March 1967 and the deteriorating Middle East situation resulting in the closure by Egypt of the Suez Canal in June 1967. The four coastal states, including Singapore and Thailand, were seriously concerned about the safety of navigation and the protection of the marine environment in the Strait of Malacca, as were the major users of the world's single most important shipping choke-point.

To assert its maritime jurisdiction, Malaysia first extended the limit of its territorial sea up to 12 n.m. in August 1969, but reserved the application of the new limit to areas within 24 n.m. of the Indonesian coasts. The idea was to delimit the territorial sea boundaries in such areas later by agreements with opposite states. Thus, Malaysia first signed the instant continental shelf agreement with Indonesia in 1969, prior to signing a territorial sea boundary agreement in 1970 (No. 5–9(2)). This was motivated by its interest in the mineral resources of the continental shelf.

In the delimitation of the equidistant boundary lines, therefore, political or related factors not only affected the actual location of the boundary but also the timing of the delimitation (see Other Considerations, below).

2 *Legal Regime Considerations*

The first and second segments of the boundary are based on equidistance. But the third one originating from Tanjong Datu, the northern terminus of the land boundary between Indonesia's Kalimantan and Malaysia's Sarawak, is slightly on the Indonesian side of what would be the median line from the basepoints of the parties. Malaysia is known to have been reluctant to give full effect to some Indonesian islands situated northwest of Tanjong Datu, as it sometimes did to Thai and Vietnamese islands elsewhere. The departure from equidistance in the present case was compromise in the interest of agreement (see Other Considerations, below).

In this prototype maritime boundary delimitation for this region, it is provided in Article 5 of this agreement that disputes arising from the interpretation or implementation of the agreement would be settled peacefully 'by consultation or negotiation.' This formula was adopted in subsequent agreements.

3 *Economic and Environmental Considerations*

Most of the agreement areas are less than 200 meters (m) deep, and are believed to be promising for exploitable mineral deposits. But the actual location of the boundary line does not seem to have been affected by economic or environmental considerations.

4 *Geographic Considerations*

The first segment drawn in the Strait of Malacca reasonably follows the general direction of the coastal configurations on both sides. The segment drawn in the South China Sea does not appear to have been affected by the geographic factors of the Malaysian peninsula; it simply moves northward with equidistance from the baselines on both sides. As noted above, however, the third segment, a lateral boundary originating from the tip of the land boundary, is a negotiated delimitation without any particular geographic factors represented.

5 *Islands, Rocks, Reefs, and Low-Tide Elevations Considerations*

Islands of both parties – and there are so many of them – have been given full effect with respect to those in the areas of the first and second segments. However, the Indonesian islands situated northwest of Tanjong Datu of Borneo were not given full effect (see Other Considerations, below), otherwise the lateral boundary would have been located eastward of the agreed location.

6 *Baseline Considerations*

Strictly speaking, Malaysia has yet to specify its baselines by geographic coordinates or otherwise; cartographic illustrations produced by external observers simply show assumed baselines. Even the Malaysian government maps of 1979 produced by the Directorate of National Mapping under the title, Territorial Waters and Continental Shelf Boundaries (in two sheets), do not specify the baselines; they just show blue-shaded outer limits of the Malaysian territorial waters. For these reasons, it is impossible to determine how baseline considerations may have affected the actual location of the boundary lines; only assumptions are possible, as noted earlier.

7 *Geological and Geomorphological Considerations*

Most of the agreement areas delimited are less than 200 m deep. As a consequence, geology or geomorphology was not considered in the delimitation of the mostly equidistant lines.

8 *Method of Delimitation Considerations*

As noted earlier, this boundary concerns itself solely with the continental shelf jurisdiction in the areas delimited based on equidistance; in the southern part of the Malacca Strait, the line does not coincide with the territorial sea boundary of 1970 (No. 5–9(2)). Also, the northern terminus of the present boundary was left 'unfinished,' to be extended to 'the Common Point' as agreed on in the Indonesia–Malaysia–Thailand agreement of 1971 (No. 6–12). The actual location of the boundary line does not seem to have been affected otherwise.

9 *Technical Considerations*

It is provided in Article 1 (3 and 4) that the two parties would adopt a method whereby 'the actual location of . . . points at sea shall be determined.' For this purpose, the 'competent authorities' of the parties were specifically named. In this regard, it may be pointed out that provisions to this effect have come to represent a standard practice in maritime boundary agreements in this region. Technical factors do not seem to have affected the actual location of the boundary otherwise.

10 *Other Considerations*

As noted above, the third segment (Points 21–25) of the present boundary is situated west of what would be the lateral median line. Indonesia is believed to have conceded to Malaysian claims, to enlist Malaysian support for its archipelagic claims.

III CONCLUSIONS

The first maritime boundary agreement for both parties, the present agreement has since become a standard formula quite commonly adopted in most other subsequent agreements concluded in this region.

IV RELATED LAW IN FORCE

A *Law of the Sea Conventions*

Indonesia: Party to the 1958 High Seas Convention of the Geneva Conventions, signed the 1982 LOS Convention and ratified it on 3 February 1986
Malaysia: Party to all four 1958 Geneva Conventions, signatory to the 1982 LOS Convention

B *Maritime Jurisdiction Claimed at the Time of Signature*

Indonesia: 12-n.m. territorial sea, Regulation No. 4, 18 February 1960 and Regulation No. 8, 25 July 1962; archipelagic claims, Regulation No. 4, 18 February 1960
Malaysia: 12-n.m. territorial sea, Ordinance No. 7, 2 August 1969; continental shelf, 200 meters or exploitability, Act No. 57, 28 May 1966; published two maps with outer limits claimed, December 1979

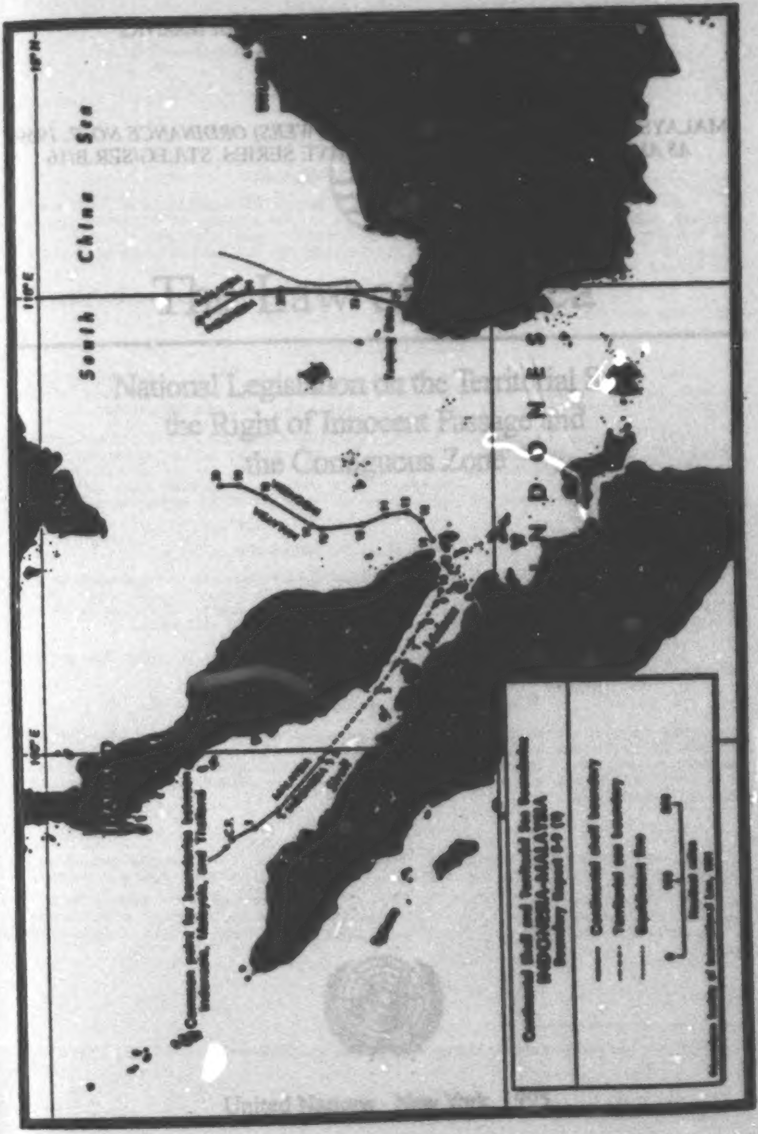
C *Maritime Jurisdiction Claimed Subsequent to Signature*

Indonesia: 200-n.m. exclusive economic zone, Declaration, 21 March 1980
Malaysia: 200-n.m. exclusive economic zone, EEZ Bill 1984, 25 April 1980

V REFERENCES AND ADDITIONAL READINGS

K. Kittichaisaree, The Law of the Sea and Maritime Boundary Delimitation in Southeast Asia (1987)
P. Tangsubkul, ASEAN and the Law of the Sea (1982)
US Department of State, *Continental Shelf Boundary: Indonesia–Malaysia*, Limits in the Seas No. 1 (1970)
US Department of State, *Maritime Boundaries: Indonesia–Malaysia–Thailand*, Limits in the Seas No. 81 (1978)
US Department of State, *Territorial Sea Boundary: Indonesia–Malaysia*, Limits in the Seas No. 50 (1973)

Prepared by Choon-ho Park


South China Sea
I N D O N E S I A
Common point for boundaries between Indonesia, Malaysia, and Thailand
Continental Shelf and Territorial Sea Boundaries
INDONESIA-MALAYSIA
Continental shelf boundary
Territorial sea boundary
110°E
100°E

Annex 137

MALAYSIA'S *EMERGENCY (ESSENTIAL POWERS) ORDINANCE NO. 7, 1969, AS AMENDED IN 1969*, UN LEGISLATIVE SERIES, ST/LEG/SER.B/16

Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs

The Law of the Sea

National Legislation on the Territorial Sea, the Right of Innocent Passage and the Contiguous Zone

United Nations · New York, 1995

74. MALAYSIA

Emergency (Essential Powers) Ordinance, No. 7, 1969, as amended in 1969 [165]

...

Application

2. This Ordinance shall apply throughout Malaysia.

Breadth of territorial waters

3. (1) The breadth of the territorial waters of Malaysia shall be twelve nautical miles and such breadth shall except in the Straits of Malacca, the Sulu Sea and the Celebes Sea be measured in accordance with articles 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13 of the Geneva Convention on the Territorial Sea and the Contiguous Zone (1958)...

(2) In applying the aforesaid articles, the expression "territorial sea" occurring therein shall be construed as "territorial waters".

Modification of laws

4. (1) Except as provided in subsection (2), any reference occurring in any written law to territorial waters shall in so far as such reference affects federal law be construed subject to the provisions of this Ordinance.

(2) For the purposes of the Continental Shelf Act, 1966, the Petroleum Mining Act, 1966, the National Land Code and any written law relating to land in force in Sabah and Sarawak, any reference to territorial waters therein shall in relation to any territory be construed as a reference to such part of the sea adjacent to the coast thereof not exceeding three nautical miles measured from the low-water mark.

Publication of large-scale map

5. (1) So soon hereafter as may be possible or thereafter from time to time as he may consider necessary the Yang di-Pertuan Agong shall cause to be published a large-scale map indicating the low-water marks, the baselines, the outer limits and the areas of the territorial waters of Malaysia.

(2) A copy of such map shall be published in the *Gazette* for general information.

Modification of territorial waters

6. The Yang di-Pertuan Agong shall, pursuant to any agreement entered into between Malaysia and another coastal State, by order modify the areas of the territorial waters of Malaysia; and any modification so made shall be indicated in a large-scale map and a copy thereof shall be published in the *Gazette* for general information.

Evidence

7. In any proceedings before any court in Malaysia if a question arises as to whether an act or omission has taken place within or without the territorial waters of Malaysia, a certificate to that effect purported to be signed by or on behalf of the Minister charged with the responsibility for External Affairs shall be received in evidence and shall be *prima facie* proof of the facts stated therein.

---

[165] United Nations, Legislative Series, ST/LEG/SER.B/16, p. 14.

Annex 138

SURVEY REPORT BY MAJOR (NAVY) SUTOTO DATED 29 JULY 1970

- COPY -

Concerning : Survey
P. Sepadan and
P. Lingitan (Ligitan)
Qualification : Confidential
Annex : 15 photographs

To
H.E. Minister of Defense and
Security/Commander in Chief
of the Armed Force's via
Head of G-5/Territory of
Defence and Security
in Jakarta.

SURVEY REPORT

BACKGROUND:

This report has been made based on:

1. A Letter of Command from the Department of Defense and Security No. PRINDJAL/625/VI/1970, dated 20-6-1970.
2. Guidance No. 03/PENG/G.5/VI/1970, dated ... June 1970

IMPLEMENTATION:

On 13th July 1970 at 08.00 a.m. the team left Jakarta with PT "Bouraq Airline". Stayed for two nights in Balikpapan and continued the journey to Tarakan on 15th July 1970.

On 19th July 1970 at 09.30 a.m. the team left Tarakan toward Sebatik Island with a rented motor boat and arrived in Sebatik Island at 24.00 p.m.

On 20th July 1970 at 06.30 p.m. the team left Sebatik Island toward Sepadan Island. During the journey the boat has an engine problem for 20 minutes.

On 21st July 1970 at 03.45 a.m. the team arrived in Sepadan Island and stayed there for 15 minutes. Since it was still dawn and dark, the team decided to continue its journey to Ligitan Island and arrived at 06.50 a.m. After landed in the island for about 10 minutes, the team returned to Sepadan Island and arrived at 10.00 a.m. and stayed for 25 minutes. At 11.25 a.m. the team left Sepadan Island toward Nunukan and arrived there at 24.00 p.m.

On 22nd July 1970 at 07.00 a.m. the team took a break and filled up the gas as well as bought some goods. At 11.30 p.m. the team left Nunukan headed for Tarakan.

On 23rd July 1970 at 01.00 p.m. the team arrived and stayed in Tarakan.

On 25th July 1970 the team returned to Jakarta.

Field Investigation:

1 **Ligitan Island (Legitan)**

a. **Position 4°10' North : 118°50' East**

b. **The form of the island is almost high in a triangle.**

c. **The width of the island approximately 1800 squaremetres.**

d **A Lighthouse, which seems to be in function (not clearly enough since at the time almost noon). The height approximately 7 meters and painted in red and white.**

e. **Uninhabited. At the time we approached the island and we saw five sailing boats equiped with outboard motor engine, but before we landed they immediately left the island and remain to stay around half miles from the island. As we were in the island, we saw a tin can filled with fish being cooked and the fire still lit. Besides, we also** saw around 15 (fifteen) boats surrounding the island within one mile. According to their explanation, they are from Badjau Tribe who lives on boats, meaning that they do not have any house on the island. We also saw a boat with one family aboard with an infant being taken care of by a woman. According to the information that we obtained, they usually catch fish and rob for a living. Nevertheless, for exchange of goods they went to Simporna. Simporna is a place in Sabah.

f. There seem no signs of government. Based on the information, the Malaysian officials periodically visit the island to maintain the lighthouse.

g. On top of the island there are no natural resources neither flora nor fauna. From an economic point of views the island is not worth it. But from a military point of views:

1) for warning installation station
2) to expand the territorial and the internal waters boundaries.

h No other building except the said lighthouse.

2. Sepadan Island (Sipadan):

a. Position: 4°03' North, 118°34' East.

b. The form of the island almost square with the width approximately 50.000 squaremetres (200 meters x 250 meters).

c. There are no people permanently reside on the island. At that time we met two migrants, they were:

1. Hadji Abdul Madjid; from Malaysia, 55 years old.
2. Karim; from Buton, 30 years old, Step son of Hadji Abdul Madjid.

Both men came to the island to collect turtle eggs. Every once a week or more, the food was sent to the island. According to their information, they have to pay a sum of money of $1.000,- (one thousand strait dollars) to a Philippino via a man called Datuk Akiran as a middle man, to allow them to collect turtle eggs in the island. Hadji Abdul Madjid and Datuk Akiran lived in Darawan Island. They then sell the turtle eggs to Simporna.

d. There are no signs of government. According to Hadji Abdul Madjid and Datuk Akiran the Malaysian officials visited the island once every six months to maintain the lighthouse.

e. It is obvious that the main natural resources of the island is the turtle eggs of which two hundreds eggs could be collected daily. We saw papayas' trees bearing fruits and several coconut trees which are around two years. When we were circleing the island, some turtle swam away from our boat. Therefore, as mentioned above, from an economic point of views its potential is very limited.

f. There are no other installations except the said lighthouse. The lighthouses on both islands painted in the same color of red and white square.

g. Others: Concerning Badjau Tribe.
Some called Malaysian Badjau, Philippino Badjau, Indonesian Badjau.
In Indonesia they live in Nunukan, Tarakan, Samarinda, Tandjung Batu. Badjau language could be easily understood by Indonesian, Malaysian or Philippino Badjau. Hadji Abdul Madjid who could speak Indonesian (Malay?) other than Badjau language explained that for so long he heard that the Sipadan island belongs to Indonesia.

Concluded.

Jakarta, 29th July 1970

Signed

BASUKI SUTOTO
Major (Navy) Nrp.1568/P

Copied text from the original
Administration Official G-5/Territory of Defence and Security

H. AFFENDIE SH
Captain Infantry NBI 65381159

Annex 139

STATEMENT BY THE HONOURABLE TAN SRI DATO HAJI ABDUL KADIR BIN YUSOF, ATTORNEY-GENERAL OF MALAYSIA, TO THE PLENARY SESSION OF THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA AT CARACAS ON 10TH JULY 1974

Mr. President,

It is to me a very great pleasure and privilege to be here in Caracas for the substantive session of the Third United Nations Conference on the Law of the Sea and I would like to take this opportunity of expressing my delegation's appreciation and gratitude to your Government and the people of Venezuela for the warm hospitality and excellent arrangements for this Conference. I would like also, Mr. President, to take this opportunity of saying how privileged my delegation is to be working once again under your distinguished leadership and I would like to pledge my delegation's willingness to cooperate with you in every possible way in your effort to make this Conference a successful one.

Mr. President, this is a Conference of [illegible] perhaps the most significant of such conferences held under the auspices of the United Nations. [illegible] strife and [illegible] over the oceans [illegible] mankind [illegible] issues of this Conference, the [illegible] for which we are gathered here is a most historical one. [illegible] the task of this Conference [illegible]

The seas cover [illegible] of the earth's surface. They are vital to life on this planet and the exploitation of their wealth is [illegible] for the future well-being of all of mankind. We are here to regulate and manage their proper use, [illegible] as we all know [illegible] of conflict [illegible] and [illegible] for peaceful purposes. The [illegible] They are the [illegible] of mineral resources. [illegible] the [illegible] of the planet [illegible]

Please check against delivery

STATEMENT BY THE HONOURABLE TAN SRI DATO
HAJI ABDUL KADIR BIN YUSOF, ATTORNEY-GENERAL
OF MALAYSIA, TO THE PLENARY SESSION OF THE
THIRD UNITED NATIONS CONFERENCE ON THE LAW
OF THE SEA AT CARACAS ON 10TH JULY 1974.

Mr. President,

It is to me a very great pleasure and privilege to be here in Caracas for the substantive session of the Third United Nations Conference on the Law of the Sea and I would like to take this opprtunity of expressing my delegation's appreciation and gratitude to the Government and the people of Venezuela for the warm hospitality and excellent arrangements for this Conference. I would like, also, Mr. President, to take this opportunity of saying how privileged my delegation is to be working once again under your distinguished leadership and I would like to pledge my delegation's willingness to co-operate with you in every possible way in your attempt to make this Conference a successful one.

Mr. President, this is a Conference of vital importance, perhaps the most significant of Conferences, held under the auspices of the United Nations. And we share the concerns of our African and Arab friends over the absence of representatives of the national liberation movements recognised by the O.A.U. and the Arab League at this Conference. The occasion for which we are gathered here is a most historical one. Consider the role of this Conference.

The seas comprise five-sevenths of the earth's surface. They are vital to life on this planet and the regulation of their uses is therefore crucial for the future quality of life of mankind. We are here to regulate and manage their proper use, for otherwise we shall abuse the seas and that we do at our own peril. The seas, as we all know, have often been the arena of conflict among nations. We are here embarking on an exercise of international understanding and co-operation to regulate their uses for peaceful purposes. The seas provide opportunities. They are the potential reservoir of natural resources. An acute problem facing mankind to-day is how to manage the depleting resources of our planet. Nations are thus increasingly looking towards the resources of the [illegible] than with the opportunity for socio-economic development and advancement. Finally, it is no less significant that the universal nature of the exercise we are embarking on is a test of the will and ability of the international community to [illegible] on a global basis to ensure its future survival. It adds to the growing awareness that we have no choice but to manage the pressing problems of our times together on a global basis.

Allow me now to say a few words about my country and its relationship with the seas so that you may better understand our preoccupations, our fears and concerns as well as our aspirations.

Malaysia is a small country divided into two parts: one part is West Malaysia which is Peninsular Malaysia and the other part is East Malaysia, which comprise the States of Sarawak and Sabah on the island of Borneo. On our west, we have the long narrow and shallow Straits of Malaka with our neighbour Indonesia on the other side of the Straits. It has been one of the major natural waterways in the world and will continue to be one heavily used by international shipping.

West and East Malaysia are divided by the South China Sea and this expanse of water forms the gateway for international shipping coming from the Indian Ocean through the Straits of Malaka into the South China Sea and on to the Pacific and vice-versa.

That Mr. President, is the situation we find ourselves in. Being thus situated, our geographical position places upon us a tremendous responsibility in relation to maritime shipping and at the same time puts us in a predicament for we are fast becoming one of the world's dirty maritime backlanes.

On the average, about 4,300 vessels ply through the Straits of Malaka each month. This averages to about 150 per day, a very large proportion of which are oil tankers carrying crude oil.

I find it necessary to explain this position because, let me say frankly, there does not unfortunately seem to be enough understanding of our fears and anxieties and consequently there has not been enough understanding and sympathy for the predicament faced by a country such as ours bordering such an important straits. We are already in a more onerous situation than other coastal States. And yet instead, there has been a false emphasis created to extract yet further concessions from the coastal state. In other words, we are made to appear as the bad boys who would hinder international shipping. This impression regrettably continues to be sustained. Let me say at the outset that we have no such intentions. We are fully conscious of our responsibilities. Commercial shipping is by its very nature innocent and has always enjoyed unhindered passage. And we shall negotiate to ensure that this is so. It is most distressing when the interests of commercial shipping are used to guise the intentions of those who have in mind military vessels. Anyway this concerns only a few who are motivated by global strategic interests. We have security interests too. But even as we are prepared to negotiate as far as we can go with them.

But, of course, Mr. President, there is also the possibility that the genuine fears of the coastal States bordering straits are deliberately being ignored and that at this Conference it is a question of, to use a common expression, "everyone for himself". When it comes to using the Straits of Malaka we hear others speak of the interests of the international community as a whole. But when it comes to the maintenance and cleaning-up of the Straits, it is left entirely to the coastal State. Also little importance seems to have been attached to the security and other legitimate interests and concerns of a coastal State like us. I hope that this will not be the attitude that will prevail, for, otherwise, we would have to take a different approach.

Mr. President, one of our fears is a very real and urgent one. It is the fear of damage to the marine environment caused by pollution and accident. This fear is accentuated by the fact that the Straits of Malaka which is shallow and virtually a closed sea, is heavily used by commercial shipping. Need I explain that simply by the daily use of the Straits, damage is already being caused to our marine environment. One shudders to think of a major oil spill occurring in the Straits. Who bears the cost for such damage? I should not fail to mention, Mr. President, that this damage to our marine environment affects not only the Straits of Malaka but equally so our areas facing the South China Sea. We are thus being daily washed by vessel-pollution all around us. This resultant damage is affecting our beaches and affecting our fishing industry on which a large section of our population depend for their livelihood.

What we would, therefore, like to see is a greater appreciation of our legitimate interests and a clearer enunciation of the responsibilities of the international maritime community to be embodied in the Convention that would emerge from this Conference. Among other things, the Convention should contain regulations to ensure unhindered passage for commercial shipping, adequate safety and pollution prevention standards, liability and compensation for damage and passage for military vessels. I should like to stress that the volume of world shipping in the future is certain to increase resulting in corresponding increasing burdens on straits and on coastal States like us. This Conference must be imaginative enough to make provisions which are lasting and applicable for many years hence. We are as you know, Mr. President, co-sponsors of draft articles on navigation through the territorial sea including straits used for international navigation and we shall be most happy to negotiate with our friends who have any concerns over those proposals with a view to accommodating their just fears and interests.

I have spoken at length on the question of straits because this is a special problem directly affecting only a small group of States including Malaysia and consequently not enough impression has been made regarding our views and special concerns.

The question of straits is not by any means the only important issue for us. I would like now, briefly, to indicate our position on some of the other issues of importance to Malaysia.

Mr. President, we support the view widely held by most of our friends from the Asian, African and Latin American countries, that a coastal State should be entitled to establish a broad economic zone with exclusive rights to explore and exploit the living and non-living resources therein. We are also in a position to support the figure commonly quoted for this zone, that is 200 nautical miles. The resources obtained from this broad economic zone will provide opportunities for the socio-economic development of our country and also among other things, enable us to develop our infant fishing industry. As regards the continental shelf, we hold the view that rights already acquired by coastal States under existing international law should continue to be recognized.

With the limitations inherent in most developing countries, Malaysia has not until recently had the competence and capacity to effectively control marine pollution or to make great strides in the field of scientific research. However, my Government is endeavouring to fill up the deficiencies in these two areas. We shall work for the establishment of rules and regulations which will enable us to enforce pollution-control measures effectively. We are now already engaged in joint enterprises in conducting scientific research for the better understanding of the marine environment close to our shores. We should, however, like to ensure that such research activities do not jeopardise our legitimate interests, especially those affecting security. We attach great importance to a system guaranteeing the transfer of technology especially from the developed to the developing countries.

Let me say a few words about the archipelago concept.

Mr. President, this represents the national aspirations of two of our closest neighbour and partners of ASEAN – Indonesia and the Philippines. We would like to accommodate the aspirations of their people. And we do like to state that we support the archipelago concept so that those two countries as well as the two other proponents of the concept, Fiji and Mauritius, with whom we also enjoy close and friendly relations, may fulfill their aspirations.

We would, however, like, Mr. President, for some consideration and accommodation to be given to our peculiar geographical make-up. By a cruel accident of geography, two groups of islands that belong to Indonesia, lie directly between West and East Malaysia and consequently the Indonesian archipelagic boundary as claimed, would divide West and East Malaysia. While we support the Indonesian claim to unity, we find ourselves disunited and disconnected. It would mean the termination of free access between West and East Malaysia which we now have; since a large body of the waters in between, which are presently high seas, would become Indonesian archipelagic waters. We would also find ourselves separated by foreign territory.

Inasmuch as Indonesia wants to maintain her own unity, we are certain that it is not her wish to disunite us. Our two Governments are well aware of this problem. Thus in the spirit of good neighbourliness and mutual understanding, this problem was raised in discussions held at the highest level between our two Governments recently and as a consequence of these discussions, Malaysia and Indonesia have agreed to work towards the resolution of this problem in a mutually satisfactory manner, which is to be endorsed by the Conference. In the meantime we are open to any suggestion relating to other modalities which the Conference may devise to resolve this problem.

Mr. President, the archipelago concept affects South East Asia especially. The fact is that two of the proponents of the archipelago concept are in the South East Asian region. The implications of the archipelago claim to the States of the region arising from the delimitation of these two States are far-reaching, especially since they affect the rights and interests in the maritime space of other States in the region. We are aware that the archipelago concept has received some support from States in other regions. Since the concept affects many more States in the South East Asian region than it does in others, surely in the final analysis, any difficulties facing those South East Asian States arising from the archipelago concept should first and foremost be resolved satisfactory by those States directly concerned.

I may mention in this connection, Mr. President, that Malaysia attaches great importance to the resolution of problems of common concern on a regional basis and we welcome discussions and consultations with our friends and neighbours in South East Asia on all issues affecting our region.

Mr. President, there is also the problem faced by the landlocked States. We sympathise with their legitimate interests which we feel should be satisfactorily accommodated by this Conference.

Turning now to the international sea-bed area which the United Nations General Assembly has declared to be the common heritage of mankind, we have had occasion to state in the past at other connected international forums, that we support the view held by the vast majority of developing States that the international machinery for the international regime beyond the limits of national jurisdiction should have wide powers to explore and exploit sea-bed resources to maximum advantage and that the distribution of the benefits accruing therefrom should take into account the special needs and interests of developing States. The machinery should also have the faculty to ensure that any exploitation it authorises to be undertaken does not in any way detrimentally affect developing countries whose economies are

dependent on mineral production.

Mr. President, we are conscious of your appeal for brevity and I have accordingly put forward briefly Malaysia's thoughts on some of the issues of importance to us. We fully appreciate the historic nature of this Conference and wish to assure you that we on our part will lend you our fullest support to make this Conference a success.

Thank you.

Annex 140

INDONESIAN *NOTE VERBALE*, D 0118/80/29, DATED 8 FEBRUARY 1980

Number: D. /80/29.

The Department of Foreign Affairs of the Republic of Indonesia presents its compliments to the Embassy of Malaysia and has the honour to refer to the information received from the Ministry of Foreign Affairs of Malaysia through the Indonesian Embassy at Kuala Lumpur concerning the publication made by the Malaysian Government on December 21, 1979, of maps showing the territorial waters and continental shelf boundaries of Malaysia.

On behalf of the Government of the Republic of Indonesia, the Department has the honour to inform the Embassy as follows :

The Indonesian Government has studied carefully the boundaries as drawn on the maps and notes with deep regret and profound disappointment that the Malaysian Government has drawn Malaysia's continental shelf boundary in Laut Sulawesi, east of East Kalimantan, using the Indonesian islands of Sipadan and Ligitan as base points.

This action, taken unilaterally, is clearly contrary to the understanding reached during the negotiations between Indonesia and Malaysia on the delimitation of the continental shelf boundaries between the two countries, held at Kuala Lumpur in 1969. It was then clearly understood by the Malaysian Delegation and the Indonesian Delegation that, since no agreement could yet be reached on the question of ownership or title of the islands of Sipadan and Ligitan, the two delegations agreed to temporarily set aside the problem of delimitation in the area. This implied that it was expected that no continental shelf boundary in the area would be drawn before an acceptable solution on the legal status of the two islands could be reached by the two countries.

This unilateral action on the part of Malaysia was furthermore taken without any regard to the legitimate interests of Indonesia. It would have been more appropriate if Malaysia had resumed bilateral negotiations with Indonesia and reached a mutually acceptable solution instead of establishing the continental shelf boundary unilaterally.

To the Embassy of Malaysia
Jakarta.

The Malaysian action to draw unilaterally and arbitrarily territorial waters and continental shelf boundaries in the Straits of Malacca and Singapore, the South China Sea and the last Sulawesi is contrary to the existing principles of international law and state practice as well as the new law of the sea evolving at the Third United Nations Conference on the Law of the Sea.

The Indonesian Government therefore rejects the legality of Malaysia's claim of sovereignty and jurisdiction as shown on the maps referred to above, including the claim of sovereignty over the Indonesian islands of Sipadan and Ligitan. Such claim,as far as Indonesia is concerned, has no legal effect whatsoever. The Indonesian Government, therefore, does not accept the maritime boundary lines as claimed by Malaysia as the basis for future negotiations between Indonesia and Malaysia.

It should further be pointed out, that the Malaysian unilateral action which places Indonesia before a fait accompli does certainly not enhance the joint efforts of the two countries to strengthen and intensify cooperation, mutual understanding and solidarity among the members of ASEAN in the face of an increasing threat to international peace and security as well as to peace and stability in the South East Asian region.

The Indonesian Government is confident,however, that the territorial dispute and boundary delimitation problems existing between Indonesia and Malaysia could be solved amicably through negotiations conducted in the ASEAN spirit of mutual respect and understanding, cooperation and goodwill.

The Department of Foreign Affairs of the Republic of Indonesia avails itself of this opportunity to renew to the Malaysian Embassy the assurances of its highest consideration.

Jakarta, February 8 , 1980.

Annex 141

MALAYSIAN *NOTE VERBALE*, AT 114/80, DATED 27 MARCH 1980

~~28~~ 6 1920
29

AT.114/80

CONFIDENTIAL

The Embassy of Malaysia presents its compliments to the Department of Foreign Affairs of the Republic of Indonesia and with reference to the latter's Note No.D 0148/80/29 of 8th February, 1980 setting out its observations and reservations on the Map of Malaysia published on December 21, 1979 showing the territorial waters and continental shelf boundaries of Malaysia and has the honour to state as follows :-

The Government of Malaysia rejects the claim of the Indonesian Government that the islands of Sipadan and Ligitan belong to Indonesia. These two islands are de facto and de jure parts of the territory of Sabah, which is a component State of Malaysia. Malaysia has always exercised her sovereignty over these two islands, and these islands have never been part of Indonesia. When Indonesia proclaimed herself an archipelagic State by Act No.4 of 1960, the two said islands were not included as part of Indonesian territory.

The boundary lines of Malaysia's Continental Shelf as shown in the Map have been drawn in accordance with existing bilateral agreements as well as the principles of customary international law and conventional law. In the South China Sea the lines joining points 31-41 and the lines joining points 48-52 on the Map have been drawn on the basis of the provisions of the Agreement between the Government of Malaysia and the Government of the Republic of Indonesia Relating to the Delimitation of the Continental Shelves Between the Two Countries which was concluded on the 27th day of October, 1969.

The lines joining points 41-43 and 52-66 on the Map were drawn in accordance with the principles enunciated in the Geneva Convention on the Continental Shelf, 1958 and customary international law.

In the Laut Sulawesi, pending the conclusion of a bilateral agreement between Malaysia and Indonesia, the Government of Malaysia has drawn the lines joining points 76-84 on the Map in accordance with the Geneva Convention on the Continental Shelf, 1958 and Customary International Law.

CONFIDENTIAL

- 2 -

The Embassy of Malaysia has been instructed to state that the Government of Malaysia is confident that any problems between Malaysia and Indonesia arising from the publication of the Map of Malaysia on 21st December 1979 could be solved amicably through negotiations as conducted in the ASEAN spirit of mutual respect and understanding, cooperation and good-will.

The Embassy of Malaysia avails itself of this opportunity to renew to the Department of Foreign Affairs of the Republic of Indonesia the assurances of its highest consideration.

Jakarta,
27th March, 1980.

Department of Foreign Affairs,
Republic of Indonesia,
Jakarta.

CONFIDENTIAL

Annex 142

INDONESIAN *NOTE VERBALE*, D 386/88/29, DATED 7 MAY 1988

Unofficial translation.

Number : D. / /42/29.

The Department of Foreign Affairs of the Republic of Indonesia presents its compliments to the Embassy of Malaysia and has the honour to refer to the understanding concerning the islands of Sipadan and Ligitan, off the eastern coast of Kalimantan.

The Department wishes to inform the Embassy that the following activities have occurred on the island of Sipadan, inter alia :

1. a wooden berth of 16 meter in length and 3 meter in width, and connecting bridge of 36 meter in length and 2 meter in width have been built in the northernmost section of the island;
2. approximately 110 coconut trees have been planted in the area under the management of Haji Hamid, resident Simpurna, East Malaysia;
3. a house owned by Haji Hamid is used as a shelter for Malaysian fishermen who fish along the Sipadan's seashore;
4. marine tourist activities to the island have been organized by Borneo Divers Co, a travel bureau from Simpurna, East Malaysia. A ship owned by that company flying Malaysian flag was spotted on 18 February 1980 carrying 17 foreign tourists of British, New Zealand and U.S. nationalities.

Such activities are clearly contrary to the understanding reached during the negotiation on the delimitation of the continental shelf boundaries between Indonesia and Malaysia, held in Kuala Lumpur in 1969. It was then clearly understood by the Malaysian and the Indonesian delegations that, since no agreement could yet be reached on the question of ownership or title of the islands of Sipadan and Ligitan the two sides agreed to temporarily set aside the question and to maintain the status quo on the islands (no activities except for maintaining a lighthouse at the easternmost part of Sipadan) until a mutuall acceptable solution could be reached and to postpone the negotiation on the delimitation in the area.

It should be noted, furthermore that the activities on the island of Sipadan by Malaysia are happening despite the fact that the Indonesian Government, in the Department Note of 8 February 1980, had reiterated its position on the two islands and rejected the Malaysian claim on the basis of which a map was published.

../.....

The Government of Indonesia therefore requests the Malaysian Government to cease all of those activities and redress the situation to the status quo of 1969.

The Department of Foreign Affairs of the Republic of Indonesia avails itself of this opportunity to renew to the Embassy of Malaysia the assurances of its highest consideration.

Jakarta, May 7 ,1988.

Embassy of Malaysia
Jakarta.

Annex 143

REPORT NO. R/745/XI/1990 BY CHIEF OF STAFF OF NAVY FORCES CONCERNING *DEVELOPMENT OF THE BORDER MATTERS OF THE SIPADAN AND LIGITAN ISLANDS AND NAVY SHIPS NAMED KAL MAHAKAM*, DATED 19 NOVEMBER 1990

THE ARMED FORCES OF THE REPUBLIC OF INDONESIA
HEADQUARTERS
INDONESIAN NAVY FORCES

Jakarta, 19 November 1990

No. : **R/745/XI/1990**
Status : **Classified**
Attachment : **One page**
Concerning : **Development of the border matters of the Sipadan and Ligitan Islands and Navy Ships named KAL Mahakam**

To: The General Chief of Staff
of the Armed Forces
in
Jakarta

1. **Referring to the Navy Chief of Staff's Letter No.R/04/II/1990 dated 2nd February 1990 concerning law enforcement on sea-waters on the east side of East Kalimantan, it was reported that on the 21st July 1990 at 08.00 a.m. at the position of 04.08 - 00 North/118 - 16 - 30 East, the Malaysian Police Ships (PZ.Perangan) has searched the Indonesian Navy Ships named KAL Mahakam.**

2. **In the said incident, Malaysian party accused that the KAL Mahakam has entered the Sabah's waters. However, after having some arguments between Commander of the KAL Mahakam and the captain of the Malaysian Police Ships, the Indonesian ships had been released with a warning that "If they entered Sabah waters again in the future, they will be tug by force to Tawau".**

3. **The limits of the territorial sea on the 2nd printed map on National Jurisdiction which has been published by the Department of Defence and Security on November 1983, the area of National Jurisdiction waters in East Kalimantan consists of longitude at 04 - 10 North to the South which included of Sepadan Island so that the position of the said incident at point-1, under the area of Indonesian jurisdiction.**
From the view of the Malaysian party in accordance with map printed by the Directorate of National Mapping of Malaysia of 1988, the incident on the said position was within the "Disputed Area". On the other hand according to the map published in 1979's the position of the said incident was located in the Malaysian waters Territory.

4. **The above said incident provided an assumption that:**

a. **The National Jurisdiction Territory in East Kalimantan Area needs a special and continued attention, since the said area is the boundary area which the Malaysian party considered it as "Disputed Area". But on the other hand, the Indonesian hold the position**

that the said area is of the Indonesian National Territory, and therefore the patrol by the Indonesian Navy (KRI) should be continuously conducted in a regular manner.

b. The patrol activities conducted by the Malaysian party in particular by the said PZ Perangan above has evidently proved that the Police of the Malaysian party itself does not clearly understand about their territorial limits in accordance with the regulation governed by the Malaysian Government.

c. The Malaysian party had already published the Malaysian National map on its Territorial waters in 1979 and updated in 1982, whereas at the beginning the Sepadan and Ligitan islands were included into the Malaysian National territory but at the latest edition (1988) both islands then became the Disputed Area. Therefore it can be concluded that even the Malaysian party themselves was not of the opinion that both the said islands were included into the Malaysian Territory and it still an area of "Status Quo".

5. Taking into account that the area of Sepadan and Ligitan islands according to the map published by the Directorate of National Mapping of Malaysia constituted a Disputed Area/Status Quo, but on the contrary the Indonesian hold the opinion that the said Territory is in the Indonesian national area and therefore we suggested the following recommendations:

a. To conduct a continued patrol in the boundary of East Kalimantan on the area of Sepadan and Ligitan islands by the Navy (KRI) or by other sea patrols.

b. To instruct further command to conduct a sea operation patrol activities such as the Tiger Shark Operation in the territorial sea of East Kalimantan.

6. This has been submitted as a recommendation and report.

On behalf of
The Chief of Staff of Navy Forces
Deputy for Operation

signed

SUMARTONO
Rear Admiral

Copy to:
1. The Chief of Staff of Navy Forces
2. Intelligence Assistance to the General Chief of Staff of the Army
3. Operational Assistance to the General Chief of Staff of the Army
4. Territorial Assistance to the General Chief of Staff of the Army
5. Director for Operations of Navy Base
6. Director for Navy Security

Annex 144

TELEGRAPHIC MESSAGE FROM CHIEF OF ARMED FORCES (INDONESIA) TO COMMANDER OF EAST FLEET DATED 3 DECEMBER 1990 (INDONESIAN VERSION AND ENGLISH TRANSLATION)

ARMED FORCES REPUBLIC OF INDONESIA
HEADQUARTERS

TELEGRAPHIC MESSAGE

From : Chief of the Armed Forces
To : Commander of East Fleet
cc : 1. Armed Forces Chief
: 2. Navy Chief of Staff
: 3. General Chief of Staff, Impartments General Army of the republic of Indonesia (ABRI)
: 4. Vice of Intelligence and Strategic Body
: 5. Assistants of Intelligence General Chief of Staff ABRI
: 6. Commander of Military Area VI/TPR

CLASSIFICATION : CONFIDENTIAL
NUMBER : TR

/1076/1990 DATE : 3-12-1990

AAA FULL STOP BASIS :

ONE FULL STOP TELEGRAPHIC MESSAGE OF COMMANDEROF MILITARYY AREA VI/ TANJUNGPURA NO TR/479/IX/1990 DATED 4 SEPT 1990 REGARDING THE CASE OF 21 JULY 1990 INDONESIAN NAVAL SHIP (KAL) MAHAKAM AND PATROL BOAT OF MALAYSIAN ROYAL NAVY (TLDM) P2 PARANGIAN IN SEBATIK WATERS FULL STOP

TWO FULL STOP POLICY OF THE COMMANDER OF THE ARMED FORCES FULL STOP

BBB FULL STOP COMMAND THE COMMANDER OF EAST FLEET TO :

ONE FULL. STOP DEPLOY HIS UNITS (KRI-INDONESIAN NAVAL VESSEL) TO PROCEED TO THE ABOVE MENTIONED AREA FULL STOP

TWO FULL STOP TO INCREASE PATROL ACTIVITIES AND THE PRESENCE OF UNITS (KRI-INDONESIAN NAVAL VESSEL) TO THE AREA FULL STOP

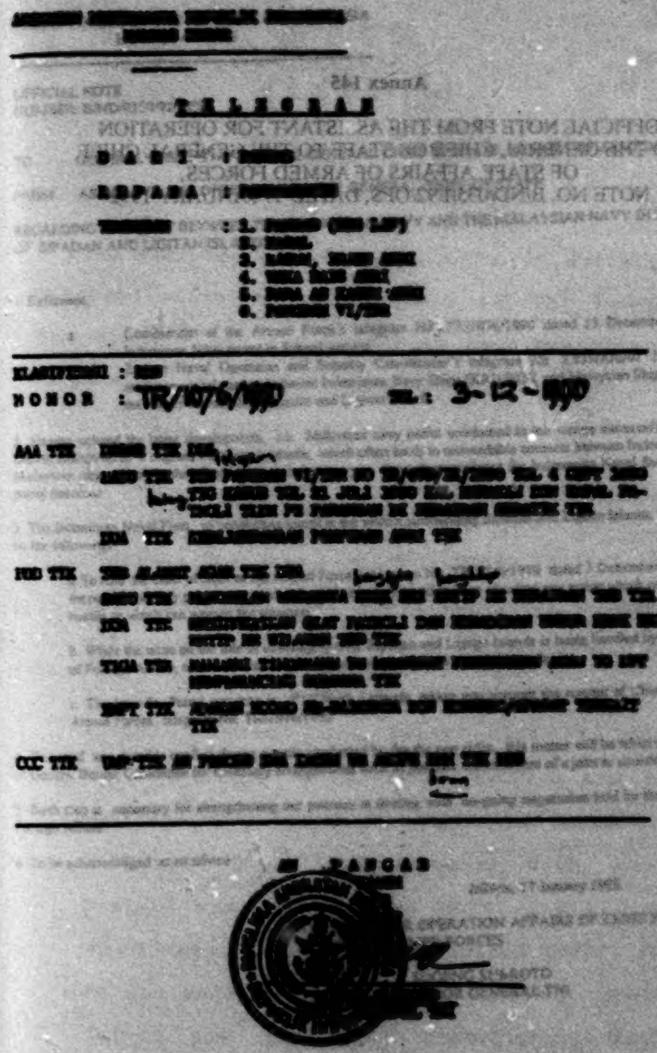
THREE FULL STOP AVOID ACTIONS OF A HOSTILE CHARACTER OR THAT MAY WORSEN THE SITUATION

FOUR FULL STOP COORDINATION WITH THE COMMAND AND OFFICERS CONNECTED FULL STOP

CCC FULL STOP ATTENTION FULL STOP ON BEHALF THE CHIEF OF THE ARMED FORCES, GENERAL ARMY CHIEF OF STAFF , SENT BY OPERATION ASSISTANT FULL STOP

ON BEHALF OF THE CHIEF
OF THE ARMED FORCES
FOR ASSISTANT OPERATION

SIGNED
SUGENG SUBROTO



ANGKATAN BERSENJATA REPUBLIK INDONESIA
MARKAS BESAR

TELEGRAM

DARI : [illegible]

KEPADA : [illegible]

TEMBUSAN : 1. [illegible] ([illegible])
2. [illegible]
3. [illegible], [illegible] [illegible]
4. [illegible] [illegible] [illegible]
5. [illegible] [illegible] [illegible] [illegible]
6. [illegible] VI/[illegible]

KLASIFIKASI : [illegible]

NOMOR : TR/1076/1990 TGL : 3-12-1990

AAA TEK [illegible] TEK [illegible]

SATU TEK [illegible] [illegible] VI/[illegible] [illegible] [illegible] TGL 4 [illegible] [illegible] [illegible] [illegible] TGL 21 JULI [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] TEK

DUA TEK [illegible] [illegible] [illegible] TEK

BBB TEK [illegible] [illegible] [illegible] TEK [illegible]

SATU TEK [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] TEK

DUA TEK [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] TEK

TIGA TEK [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] TO [illegible] [illegible] [illegible] TEK

EMPT TEK [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] TEK

CCC TEK [illegible] TEK [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] TEK [illegible]

AN. PANGAB

Annex 145

OFFICIAL NOTE FROM THE ASSISTANT FOR OPERATION TO THE GENERAL CHIEF OF STAFF TO THE GENERAL CHIEF OF STAFF, AFFAIRS OF ARMED FORCES, NOTE NO. B/ND/035/I/92/OPS, DATED 17 JANUARY 1992

ARMED FORCES OF THE REPUBLIC OF INDONESIA
HEADQUARTERS

OFFICIAL NOTE
NUMBER: B/ND/[illegible]/OPS

TO GENERAL CHIEF STAFF TO THE GENERAL CHIEF OF STAFF, AFFAIRS OF ARMED FORCES

FROM ASSISTANT FOR OPERATION TO THE GENERAL CHIEF OF STAFF

REGARDING : CONTACT BETWEEN THE INDONESIAN NAVY AND THE MALAYSIAN NAVY IN THE VICINITY OF SIPADAN AND LIGITAN ISLANDS.

1 *Reference.*

a. Commander of the Armed Force's telegram No. TR/1076/1990 dated 13 December 1990 on the Indonesian Navy patrol in Sebatik waters.

b. Eastern Naval Operation and Security Commander's telegram No. 2.[illegible]/Ast/01 1992 concerning [illegible] visual contact between Indonesian Navy Ships (KRI) [illegible] and Malaysian Ships (KD) [illegible] in the waters surrounding Sipadan and Ligitan Islands.

2 Having noticed the latest development, i.e. Malaysian navy patrol conducted in the waters surrounding Sipadan and Ligitan Islands up to 4 degrees Northern Latitude, which often leads to unavoidable contacts between Indonesian Navy and Malaysian navy patrols within those area, it is necessary to draw clear guidance for Indonesian Naval fleet in conducting patrol operation

3 The Indonesian Naval Fleet, in conducting patrol in the waters surrounding Sipadan and Ligitan Islands, is to be guided by the followings

a. To hold the Chief of Staff of the Armed Force's telegram No. TR/1076/1990 dated 3 December 1990 regarding the need to intensify patrol activities within Sebatik waters and to keep avoiding any action which can be considered hostile or which can worsen the situation.

b. While the issue on the title of sovereignty over Sipadan and Ligitan Islands is being handled by the Department of Foreign Affairs, territorial claim of Indonesia remains at 4°10' North Latitude.

c The limit fo Patrol activities is 4°10' North Latitude, taking into account the content of Chief of Staff of the Armed Forces' telegram No. TR/1076/1990

4. To avoid any possible conflict during patrols conducted by the the two sides, this matter will be taken up in the agenda of General Border Committee for necessary arrangements such as possible establishment of a joint or coordinated patrol.

5 Such step is necessary for strengthening our position in dealing with on-going negotiation held by the Department of Foreign Affairs

6 To be acknowledged as an advice

Jakarta, 17 January 1992

ASSISTANT FOR OPERATION AFFAIRS OF CHIEF FOR GENERAL
AFFAIRS OF ARMED FORCES

SUGENG SUBROTO
MAJOR GENERAL TNI

Annex 146

MALAYSIAN *NOTE VERBALE*, AT 29/92, DATED 24 MARCH 1992

AT 39/93

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and has the honour to draw the attention of the Embassy to an incident which occured on Sunday 22 March, 1992 at Pulau Sipadan as follows:-

At 1330 hrs, an Indonesian Naval Vessel bearing the registration marks TNI-AL 839 KRI TONDK intruded into the territorial waters of the Malaysian island of Pulau Sipadan and anchored about 600 metres on the western coast of the said island. Seven crew members (four of whom were attired partly in military uniform and three in civilian clothes) disembarked and landed on Pulau Sipadan. Three crew members were armed with pistols and one with an AK 47 rifle. The crew spent about an hour on the island before returning to the said vessel. The Indonesian Naval Vessel TNI-AL 839 KRI TONDK subsequently left Pulau Sipadan at 1430 hrs.

The Government of Malaysia views this incident with great concern as it is provocative and contrary to the understanding reached between the Hon'ble Dato' Seri Dr. Mahathir Mohamad with Paduka Yang Mulia President Soeharto in Singapore on 26 January, 1993 that in respect of Pulau Sipadan and Ligitan, both sides should prevent and avoid any untoward incident on the ground. The Government of Malaysia therefore takes this opportunity, in the spirit of good neighbourly relations and in the interest of peace, stability and security of the region, to urge the Government of Indonesia to undertake all necessary measures to prevent the occurrence of any incident of a similar nature in the future.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

WISMA PUTRA
KUALA LUMPUR

24 March, 1993

DEPARTMENT OF FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

Unofficial translation

Number: D.241/1992/04

The Department of Foreign Affairs of the Republic of Indonesia presents its compliments to the Embassy of Malaysia and has the honour to refer to the understanding concerning the Islands of Sipadan and Ligitan, off the eastern coast of Kalimantan.

The Department wishes to inform the Embassy that a 17-meter long trawler presumably belonging to Inspector Jamaludin, Head of Polis Diraja Malaysia, in Sempurna on 5 February 1992 at 08:00 a.m. Western Indonesia Time anchored on the coast of Sipadan, and unloaded bulks of wood material for house-building and fuels, for tourism purposes.

Furthermore, the Department has also noted the presence of 20 police officers who were armed with M-16s and equipped with 4 speed boats. There are also evident constructions of 40 small hotels, 8 cafetarias, 3 houses, a pier as well as sports and recreations facilities.

The Government of the Republic of Indonesia views such activities with great concern owing to their provocative nature as they are inconsistent with the Understanding reached during the negotiations on the delimitation of the continental shelf boundaries between Indonesia and Malaysia held in Kuala Lumpur in 1969. It was then clearly understood by the Malaysian and Indonesian delegations that since no agreement could yet be reached on the status of Sipadan and Ligitan, the two sides would temporarily set aside the question and would maintain the status quo on the islands. This implies that no activities should be conducted by either sides except for maintaining a light-house at the easternmost part of Sipadan, until a mutually acceptable solution could be reached and to postpone also the negotiation on the delimitation in the area.

That Understanding has been reaffirmed by subsequent understandings reached between the Honourable Dato' Seri Dr. Mahathir Mohamad and H.E. President Soeharto, as stated in the Agreed Minutes adopted by the Joint Commission meeting in Kuala Lumpur on 11 October 1991 and in their bilateral encounter during ASEAN summit meeting in Singapore, 28 January 1992, whereby both sides reaffirmed that the status of Sipadan and Ligitan Islands would be discussed through diplomatic channel and that both sides should refrain from taking measures which could lead to an incident on Sipadan and Ligitan Islands.

With reference to the letters sent by the Embassy on 14 and 27 January, 18 February, 10 and 19 March 1992 concerning the incidents which occured between the Indonesian and the Malaysian vessels in the waters around Sipadan Island, the Government of the Republic of Indonesia would like to inform the Embassy that after having examined these cases, it found that the positions of the Indonesian vessels as well as those of the Malaysian were located on the southern part of 4° 10' north latitude. That position indicates that those vessels were still located on the Indonesian side of waters, where overlapping claims exist. A list of positions of the said vessels is attached herewith.

Furthermore, responding to the report that an Indonesian Naval vessel bearing the registration mark TNI-AL 839 KRI TONOK anchored on the western coast of Sipadan Island and that its 7 crew members had landed on the island on 22 March 1992, the Government of the Republic of Indonesia wishes to inform the Embassy that enquiry into the case is still being conducted by the Government.

Whatever the result will be, it should be noted that in accordance with the 1988 Understanding which was confirmed by the Head of States of both countries, the status of Sipadan Island and its surrounding waters as a disputed area remains and that it is still subject for continued negotiations by both countries. Having

considered this, the Government of Indonesia strongl appeals to the Government of Malaysia, in the spirit o friendship and good neighbourliness and in the interes of peace, stability and security of the region, to kee due observance to the provisions of the above mentione 1969 understanding, and to accordingly cease thei Activities in Sipadan and Ligitan islands, particularl mindful that bilateral negotiations on the matter betwee the two countries are forthcoming.

Since the status of the two islands are still in dispute, the Government of Indonesia has also the righ of access to the islands and their surrounding waters Furthermore, it should be noted that the Government o Indonesia through the Department's note No. D.0118/80/2 dated 8 February 1980 and No. D. 386/88/20 dated 7 Ma 1988 has rejected the Malaysia's claim for sovereignt and jurisdiction over the Indonesia's islands of Sipada and Ligitan.

However, the Government of Indonesia is stil confident that this dispute between Indonesia an Malaysia could be solved peacefully through negotiation within the ASEAN spirit of mutual respect an understanding, cooperation as well as good will. To tha end, the Government of Indonesia sincerely hopes tha both sides could demonstrate self-restraint and cease an kind of activities in Sipadan and Ligitan Island as wel as to maintain due observance to the 1969 Understanding.

The Department of Foreign Affairs of the Republi of Indonesia avails itself of this opportunity to rene to the Embassy of Malaysia the assurances of its highes consideration.

Jakarta, 15 April 1992

POSITIONS OF VESSELS

DATE	TIME	NAME	REMARKS
20 Nov 91	05:45	SC 6006	03-58-00N / 118-28-00E
13 Dec 91	17:10	KRI DRG	04-07-40N / 117-58-10E
22 Dec 91	16:00	KRI KKP	04-07-00N / 118-32-00E
	16:25	KRI KKP	04-08-20N / 118-32-20E
26 Dec 91	08:27	P-806/N-22	03-58 N / 118-58 E
08 Jan 92	15:30	KRI BDK	04-02 N / 118-08 E
	16:30	KRI BDK	04-03-00N / 118-08-30E
		KD SRI JOHOR	SOUTH OF 04-10N
09 Jan 92	10:23	KRI BDK&P806	(ordered Malaysian fisherman vessel to leave 04-10N
10 Jan 92	16:00	KRI BDK	04-08N / 118-10 E
	16:00	KD SRI JOHOR	Left Indonesian waters for Tawau.
11 Jan 92	08:00	KRI BDK	04-08N
12 Jan 92	06:00	KRI BDK	04-08N
		KRI BDK	04-08N
	08:30	KRI KDA	03-18N/117-49 E
13 Jan 92	07:30	KRI KDA	03-58N
16 Jan 92	06:00	KRI BDK	04-02-20N/118-00-30E
	10:06	P806 & KRI BDK	04-03-N/118-38 E
	11:05	KD SRI MALAKA	04-00 N
	16:00	KRI BDK	04-08 N/118-39 E
	16:55	KRI BDK	04-07 N/118-38-30 E
17 Jan 92	07:10	KRI BDK	04-07-58N/118-37-00E
18 Jan 92	04:00	KRI BDK	04-04 N/118-12 E
	11:37	P-806	04-09 N/118-03 E
19 Jan 92	04:00	KRI BDK	04-07-50N/118-33-00E
	05:40	KRI BDK	04-07-30N/118-33-00E
	07:10	KRI BDK	04-07-50N/118-37 E
20 Jan 92	09:42	P-806	04-00 N/118-45 E
	20:10	KRI BDK	03-58-20 N/118-24-30E
	20;44	KD RENCONG	04-02-00 N/118-25-30E

21 Jan 92	07:07	KRI BDK/P.813	04-03 N/118-03 E
	08:30	KRI BDK	04-08 N/118-35 E
	12:30	KRI BDK	04-00 N/118-05 E
22 Jan 92	07:55	P 813	04-00 N/118-35 E
25 Jan 92	06:00	KRI BDK	04-09 N/118-57 E
	12:00	KRI BDK	04-09-45 N/117-55-50 E
29 Jan 92	13:40	KRI BDK	04-01-00 N/118-42-00 E
	18:00	KRI BDK	04-08-30 N/118-55-30 E
	23:05	BC-2002	03-09 N/118-06 E
30 Jan 92	00:55	BC-2002	03-09 N/118-06 E
31 Jan 92	09:50	P-816	04-08 N/118-40 E
	10:05	P-816	04-07 N/118-40 E
06 Feb 92	15:55	KRI BDK	04-08-30N/118-29-55E
06 Feb 92	15:05	KRI BDK	04-07 N/118-40 E

AT 42/92

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and has the honour to bring to the attention of the Embassy, the following incidents of intrusion by Indonesian naval vessels and aircraft in Malaysian territorial waters and airspace around Pulau Sipadan and Ligitan.

"1. On 30th March, 1922 at 1040 hrs, an Indonesian aircraft bearing the registration marks TNI-AL No. P808 was seen approaching Pulau Sipadan from the South. The said aircraft flew over Pulau Sipadan at an altitude of approximately 100 metres. The aircraft then left the area in the North-easterly direction at about 1045 hrs.

2. On 31st March, 1992, an Indonesian naval vessel bearing the registration marks TNI-AL 829 KRI TOHOK was sighted anchoring at latitude 04' 10' N and longtitude 117o 35' East.

3. On 12th April, 1992 at 0840 hrs, an Indonesian aircraft bearing the registration marks No. TNI-AL No. P812 was seen approaching Pulau Sipadan from the South. The said aircraft flew over Pulau Sipadan at an altitude of approximately 70-80 feet. The said aircraft left the area at 0850 hrs flying toward the Northerly direction.

In accordance with the understanding reached between the Honourable Prime Minister Dato' Seri Dr. Mahathir Mohamad and Paduka Yang Mulia President Soeharto in Singapore on 26 January, 1992, that the issue of Sipadan and Ligitan be discussed through diplomatic channels, the Government of Malaysia urges the Government of Indonesia to take the necessary measures to prevent the recurrence of any incident of a similar nature.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

WISMA PUTRA
KUALA LUMPUR

21 April 1992

Annex 149

MALAYSIAN *NOTE VERBALE*, AT 68/92, DATED 19 MAY 1992

AT 68/92

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and has the honour to bring to the attention of the Embassy, the following incidents of intrusion by Indonesian naval vessels and aircraft in Malaysian territorial waters and airspace around Pulau Sipadan and Ligitan.

1. On 30th March, 1992 at 1040 hrs, an Indonesian aircraft bearing the registration marks TNI-AL No. P808 was seen approaching Pulau Sipadan from the South. The said aircraft flew over Pulau Sipadan at an altitude of approximately 100 meters. The aircraft then left the area in the North-westerly direction at about 1045 hrs.

2. On [illegible] March, 1992, an Indonesian naval [illegible] the registration marks TNI-AL [illegible] was sighted anchoring at [illegible] N and longitude [illegible] East.

AT 68/92

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and with reference to Note No. D 341/1992/04 dated 15 April, 1992 from the Department of Foreign Affairs, Republic of Indonesia has the honour to state the following:-

- The Government of Malaysia reiterates its sovereignty and jurisdiction over Pulau Sipadan and Ligitan. The two Islands are part of Malaysian territory by virtue of Great Britain's transfer in 1963 to Malaysia, of its sovereignty over the territory of North Borneo, which included Pulau Sipadan and Ligitan;
- The Government of Malaysia continues to hold that the international boundary of Sarawak and Sabah with Kalimantan had been clearly defined and established by the 1891 Convention and the 1915 Agreement between Great Britain and the Netherlands. The latter Agreement clearly stated that this boundary terminates on the east-coast of Sebatik Island at 4° 10' N latitude without any extension eastwards. The Government of Malaysia rejects any reinterpretation of the Agreement by the Government of the Republic of Indonesia in such a manner as to include Pulau Sipadan and Ligitan and their surrounding waters as being part of the territory of the Republic of Indonesia;
- The Government of Malaysia takes the position that activities undertaken by Malaysia on Pulau Sipadan and Ligitan and their surrounding waters are in conformity with its exercise of sovereignty and jurisdiction. These include the routine visits and inspections of the two Islands by the Royal Malaysian Police;

- The Government of Malaysia views the presence of Indonesian naval vessels and aircraft as indicated in the letters sent by the Embassy of Malaysia in Jakarta dated 24 and 27 January; 18 February; 10 and 19 March 1992 and in the Ministry's Notes Nos. AT 29/92 and AT 42/92 dated 24 March and 21 April 1992 respectively as clear cases of intrusions into the territorial waters and airspace of Malaysia;

- The Department of Foreign Affairs, in its Note No. D 241/1992/04 referred to an "understanding reached during the negotiations on the delimitation of the continental shelf boundaries between Indonesia and Malaysia held in Kuala Lumpur in 1969". Regarding this matter, the Ministry wishes to reiterate that Malaysia has not been able to trace any written record about the understanding as elaborated in the said Note.

In the light of Indonesia's claim over Pulau Sipadan and Ligitan, in the interest of peace and security in the region and taking into account the close and excellent relations between the two countries, the Government of Malaysia wishes to reiterate its readiness to resolve this issue peacefully through negotiation in conformity with the understanding reached between the Hon'ble Dato' Seri Dr. Mahathir Mohamad and Paduka Yang Mulia President Soeharto. In this connection, the Ministry of Foreign Affairs wishes to clarify the following:-

- There is no permanent stationing of armed Malaysian Police personnel on Pulau Sipadan and Ligitan as asserted in the Indonesian Note No. D 241/1992/04. Malaysian police personnel from the police administrative district of Semporna whose responsibilities include Pulau Sipadan and Ligitan does, however, make routine visits and inspections of the two islands as it has done in the past;

- Consistent with the understanding reached between the two Heads of Government, various actions undertaken by the Government of Malaysia relating to Pulau Sipadan and Ligitan have been directed at creating a positive climate for a peaceful resolution of the Indonesian claim over the two islands through negotiations.

The Government of Malaysia wishes once again to urge the Government of Indonesia, in the interest of good neighbourly relations as well as peace, security and stablity in the region, to prevent the recurrence of any act of intrusions by Indonesian naval vessels and aircraft in Malaysian territorial waters and airspace. The Government of Malaysia also wishes to reiterate its readiness to begin bilateral talks pursuant to the agreement reached during the First Malaysia/Indonesia Joint Commission Meeting in October, 1991.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

WISMA PUTRA
KUALA LUMPUR

19 May 1992

Annex 150

MALAYSIAN *NOTE VERBALE*, ES 110/92, DATED 11 AUGUST 1992

ES 110/92

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and with reference to the Note No. D. 426/92/29 dated 30 June, 1992 from the Department of Foreign Affairs of the Republic of Indonesia, concerning Pulau Sipadan and Pulau Ligitan, has the honour to state the following:-

- The Government of Malaysia reiterates that it has sovereignty over Pulau Sipadan and Pulau Ligitan. The Government of Malaysia wishes to emphasize that the issue of Sipadan and Ligitan is not a case of overlapping claims. Malaysia's position over the two islands has been elaborated in the Memorandum of the Government of Malaysia entitled "Malaysia's sovereignty over Pulau Ligitan and Pulau Sipadan " dated 7th July, 1992 which was handed over to Indonesia during the First Meeting of the Malaysia-Indonesia Joint Working Group on Sipadan and Ligitan which took place in Jakarta 6 - 7 July, 1992;

Notwithstanding the above, in the interest good neighbourly relations as well as peace and stability in the region, Malaysia agrees that the question of Indonesia's claim over Sipadan and Ligitan be settled peacefully, through negotiations in the traditional ASEAN spirit of friendship and cooperation. The fact that the First Meeting of the Malaysia-Indonesia Joint Working Group on Sipadan and Ligitan had taken place demonstrates Malaysia's readiness to fulfill the 1969 understanding that the question of Indonesia's claim over the two islands be discussed and settled through diplomatic channel;

- Malaysia reiterates that it has been unable to trace any record of an understanding in 1969, as interpreted by Indonesia, pertaining to the "status quo" over the two islands;

- Malaysia agrees that both sides should refrain from taking measures which could undermine the close relations between the two countries. Malaysia, on its part, has taken measures to create a positive climate for a peaceful resolution of the issue. In this connection, Malaysia urges Indonesia to do likewise;

- Malaysia reiterates that activities and actions undertaken by it, in and around Pulau Sipadan and Pulau Ligitan, are consistent with Malaysia's exercise of sovereignty and jurisdiction over the two islands and their surrounding waters;

- Malaysia reiterates its position that it cannot entertain any notion of the right of access to the islands and their surrounding waters by Indonesia as this would constitute a violation of Malaysia's sovereignty and jurisdiction over the two islands concerned and their surrounding waters.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

WISMA PUTRA
KUALA LUMPUR

11 August 1992

Annex 151

MALAYSIAN *NOTE VERBALE*, 139/92, DATED 21 SEPTEMBER 1992

AT 139/92

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and has the honour to bring to the attention of the Embassy, incidents and intrusions by Indonesian naval vessels and aircraft in Malaysian territorial waters and air space around Pulau Sipadan including the following:-

- On 20 July 1992 at 1550 hrs, an Indonesian aircraft bearing the registration TNI-AL No. 7808 was seen approaching Pulau Sipadan from the West. The said aircraft circled over Pulau Sipadan four times at an altitude of approximately 50 metres. The Aircraft also flew over a Malaysian patrol craft in the vicinity, KD SRI SABAH, at low altitude and circled over the patrol craft three times. The aircraft left the Malaysian airspace at 1610 hrs;

- On 22 July, 1992 at 0605 hrs, an Indonesian customs vessel bearing the registration BC 6005 was sighted at approximately 4.6 nautical miles South West of Pulau Sipadan. The said vessel left Malaysian territorial waters at 0830 hrs;

- On 23 July, 1992 at 0600 hrs, an Indonesian naval vessel bearing the registration TNI-AL KRI HASANUDDIN was sighted at approximately 2000-2500 metres off Pulau Sipadan. The said vessel circled Pulau Sipadan before leaving Malaysian territorial waters at 0900 hrs;

- On 26 July, 1992 at 1736 hrs, the Indonesian naval vessel TNI-AL KRI HASANUDDIN was sighted at approximately 4 nautical miles South West of Pulau Sipadan. The Indonesian naval vessel TNI-AL KRI HASANUDDIN was then sighted again in Malaysian waters South West of Pulau Ligitan at 1900 hrs;

- On 27 July, 1992 at 0748 hrs, the Indonesian naval vessel TNI-AL KRI HASANUDDIN was sighted at approximately 4 nautical miles South West of Pulau Sipadan;

- On 31 July, 1992 the Indonesian customs vessel BC 6005 was sighted at approximately 5.5 nautical miles North of Pulau Sipadan;

- On 29 August, 1992 at 0816 hrs, an Indonesian naval vessel TNI-~~AL~~ KRI HASANUDDIN was sighted at approximately 11 nautical miles South of Pulau Sipadan by a Malaysian naval vessel KD KRI SABAH. The Indonesian naval vessel communicated with KD KRI SABAH via VHF Radio and instructed the latter to leave the area and stay north of latitude 4° 10' N. At 1000 hrs, KRI HASANUDDIN which had moved to approximately 2.5 nautical miles North of Pulau Sipadan was seen accosting a Malaysian passenger vessel. The Indonesian naval vessel then left Malaysian territorial waters at 1010 hrs;

- On 31 August, 1992 at 0600 hrs, an Indonesian naval vessel bearing the registration KRI NGURAH RAI was sighted at approximately 800-1000 meters off Pulau Sipadan. The said vessel circled Pulau Sipadan before leaving Malaysian territorial waters at 0925 hrs. KRI NGURA RAI reentered Malaysian territorial waters at 1130 hrs. The vessel circled Pulau Sipadan at a closer distance of approximately 150-200 meters off the island before leaving Malaysian territorial waters at 1350 hrs;

- On 2 September, 1992 at 1155 hrs, an Indonesian aircraft bearing the registration TNI-AL No. P815 flew over Pulau Sipadan West to East direction at low altitude of approximately 70-100 meters. The aircraft left the Malaysian air space at 1201 hrs.

The Government of Malaysia views with great concern these acts of continuing intrusion and provocation by Indonesian naval vessels and aircraft in Malaysian territorial waters and air space around Pulau Sipadan. Such acts are inconsistent with the spirit of and understanding reached at the Meeting of the Joint Working Group on Pulau Sipadan and Pulau Ligitan held in Jakarta from 6-7 July, 1992 where both sides expressed their mutual commitment and desire to resolve the issue of Sipadan and Ligitan in a peaceful and friendly way. The Government of Malaysia therefore takes this opportunity, in the spirit of neighbourly relations and in the interest of peace, stability and security of the region, to reiterate to the Government of the Republic of Indonesia to prevent the occurrence of any incident of similar nature in the future.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

WISMA PUTRA
KUALA LUMPUR

21 September 1992

Annex 152

BROCHURE ENTITLED *MALAYSIA: FASCINATING ADVENTURES*, DATED SEPTEMBER 1992

MALAYSIA

FASCINATING ADVENTURES

these underwater havens are warm and clear, with visibility of between 80 and 120 feet. Scuba divers may dive to a depth of 120 feet or more.

Even from a depth of 10 to 20 feet, the glittering marine life and corals begin to show their colours. Cowries, Nudibranches, Seafans and Feather Star corals are aplenty. The presence of colourful fishes also adds to the excitement of scuba diving.

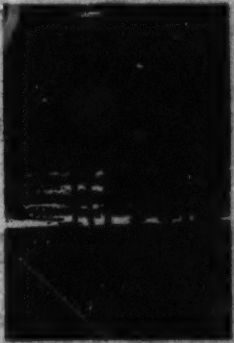
Local divers would recommend Sipadan and Layang-Layang Islands for the more adventurous divers. These sites are relatively unexplored and unknown. The depth at some spots can reach up to 2000 feet, although the distance from the beach is only 50 feet. Divers here would also have the opportunity to encounter various species of fish that are not commonly seen.

Tioman Island is another star attraction for scuba diving. Voted one of the 10 most beautiful islands in the world, the magic of its underwater world is simply breathtaking. Scuba divers will have the privilege of exploring underwater caves, rifts, passages and never ending valleys of living scenery as you wander through some of the most beautiful corals in the world. Redang Island also boasts one of the most beautiful underwater reefs. Your plunge into the blue waters may be even more satisfying if you are able to document your more memorable undersea adventures with underwater photography.

The beaches around Langkawi Island and the coastal areas of Mersing are also suitable for snorkelling. This is because the tranquility of the deep blue sea and the mystical undersea gardens may be explored almost all year round. Divers should, however, beware of the Monsoon season, between the months of November to January, when the South China Sea can be quite rough. Diving and snorkelling in the open sea is not adviseable during this period.

Scuba Diving Notes

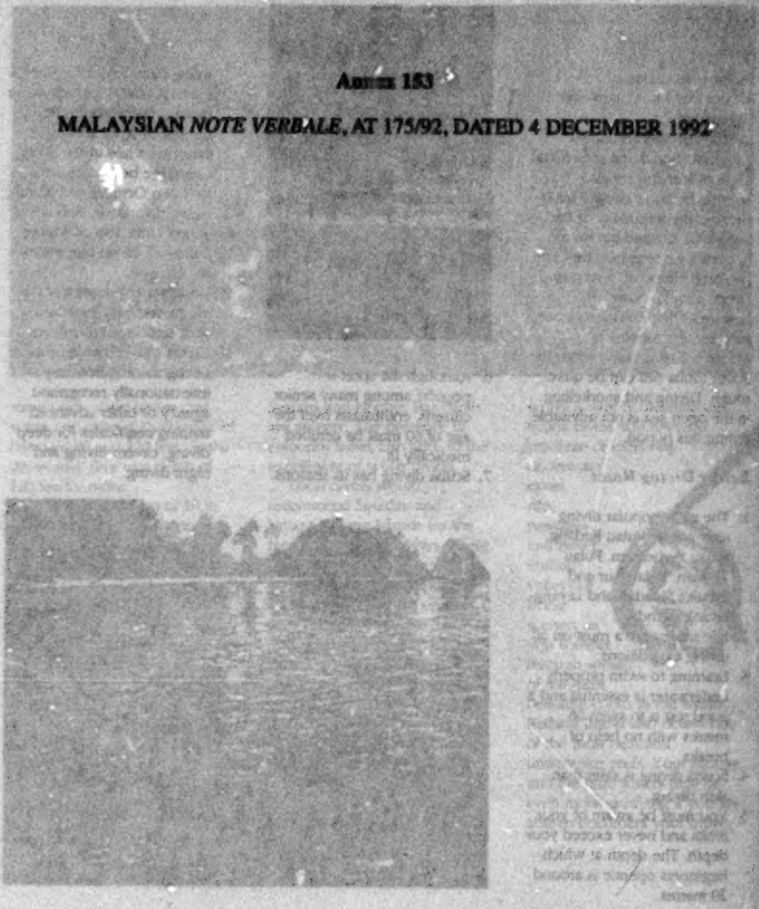
1. The most popular diving sites are off Pulau Redang, Pulau Perhentian, Pulau Tioman, Pulau Aur and Sabah's Sipadan and Layang-layang Islands.
2. Life jackets are a must on all diving expeditions.
3. Learning to swim properly underwater is essential and a good test is to swim 66 metres with no help or breaks.
4. Scuba diving is safer than skin diving.
5. You must be aware of your limits and never exceed your depth. The depth at which beginners operate is around 20 metres.



6. Although the sport is popular among many senior citizens, enthusiasts over the age of 60 must be certified medically fit.
7. Scuba diving has its seasons. In the East Coast of Malaysia, the best time to participate in the sport is between the months of April and October, while in the West Coast, the best times are between October and March.
8. Never dive alone. Should you get into any difficulties, there will be no one around to help you.
9. Underwater photography is the perfect way to record your undersea adventures.
10. Divers must provide proof of diving training from any internationally recognised agency or other advanced training certificates for deep diving, cavern diving and night diving.

ANNEX 153

MALAYSIAN *NOTE VERBALE*, AT 175/92, DATED 4 DECEMBER 1992



AT 175/92

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and with reference to its Note No. AT 139/92 dated 21 September 1992, has the honour to bring to the attention of the Embassy, further acts of intrusion by Indonesian naval vessels and aircraft in Malaysian territorial waters and airspace around Pulau Sipadan dan Ligitan as follows:-

- On 11 September, 1992 at 0815 hrs, an Indonesian naval vessel bearing the registration TNI-AL KRI DORANG (822) was sighted approximately 2.1 nautical miles West of Pulau Sipadan. A Malaysian naval vessel KD SRI SABAH which was in the vicinity requested KRI DORANG to leave Malaysian territorial waters, but the request was ignored;

- On 20 September, 1992 at 1520 hrs, KRI DORANG was again sighted in Malaysian territorial waters at location 4° 4.6' North and 118° 10' East;

- On 21 September, 1992 at 0940 hrs, an Indonesian naval vessel bearing the registration TNI-AL KRI TONGKOL (813) was sighted approximately 5.5 nautical miles South West of Pulau Sipadan. KRI TONGKOL circled Pulau Sipadan before leaving Malaysian territorial waters at 1215 hrs;

- On 30 September, 1992 at 1015 hrs, KRI DORANG was sighted approximately 8 nautical miles North East of Pulau Sipadan. The said vessel approached to about one nautical mile of the island. KRI DORANG circled Pulau Sipadan before leaving Malaysian territorial waters at 1245 hrs;

- On 6 October, 1992 at 1025 hrs, an Indonesian vessel bearing the registration KALMANANKAM (T331) was sighted approximately 3.6 nautical miles South of Pulau Sipadan. The said vessel was seen towing a landing craft.

- KALHAMANKAM left Malaysian territorial waters at 1130 hrs when intercepted by a Malaysian naval vessel KD SRI PERLIS;

- On 7 October, 1992 at 0810 hrs, KRI DORANG was sighted at approximately 3 nautical miles North East of Pulau Sipadan. The said vessel left Malaysian territorial waters at 1130 hrs;

- On 10 October, 1992 at 0830 hrs, KRI DORANG was sighted in Malaysian territorial waters at location 04° 10.0'N and 117° 55'E;

- On 12 October, 1992 at 1122 hrs, an Indonesian aircraft bearing the registration TNI-AL P802 was seen flying over Pulau Sipadan at low altitude;

- On 13 October, 1992 at 1134 hrs, an Indonesian naval vessel bearing the registration KRI TONGKOL (813) was sighted in Malaysian territorial waters at location 04° 13.1'N and 119° 08.2'E;

- On 16 October, 1992 at 1550 hrs, an Indonesian naval vessel bearing the registration TNI-AL KRI NGURAH RAI (344) was sighted approximately 1000 - 1500 meters South of Pulau Sipadan. The said vessel circled the island and remained in the area until 1750 hrs when it again circled Pulau Sipadan. KRI NGURAH RAI left Malaysian territorial waters at 1908 hrs;

- On 25 October, 1992 at 1450 hrs, KRI DORANG was sighted at approximately 1000 - 1500 meters South of Pulau Sipadan. The vessel circled Pulau Sipadan before leaving Malaysian territorial waters at 1645 hrs;

- On 7 November, 1992 at 0710 hrs, KRI DORANG was sighted approximately 3.7 nautical miles South East of Pulau Sipadan. The said vessel left Malaysian territorial waters at 0940 hrs; and

- On 15 November, 1992 at 1550 hrs, an Indonesian customs vessel bearing the registration BC 8005 was sighted at approximately 5 nautical miles North West of

Pulau Sipadan and remained in the vicinity until 2110 hrs when it left Malaysian territorial waters.

The Government of Malaysia views with concern these acts of continuing intrusion by Indonesian naval vessels and aircraft into Malaysian territorial waters and airspace around Pulau Sipadan. These acts are inconsistent with the spirit and understanding reached at the Meeting of the Joint Working Group on Pulau Sipadan and Pulau Ligitan held in Jakarta from 6 - 7 July, 1992 where both sides expressed mutual commitment and desire to resolve the issue of Sipadan and Ligitan in a peaceful and friendly way. In the spirit of neighbourly relations and in the interest of peace, stability and security of the region, the Government of Malaysia urges the Government of Indonesia once again to prevent the occurence of any incident of similar nature in the future.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Republic of Indonesia the assurances of its highest consideration.

WISMA PUTRA
KUALA LUMPUR

4 December 1992

AT 176/92

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and has the honor to refer to the Note No. PO 736/92/29 dated 2 November, 1992 from the Department of Foreign Affairs of the Republic of Indonesia on Pulau Sipadan and Pulau Ligitan.

In this connection, the Ministry of Foreign Affairs wishes to reiterate the position of the Government of Malaysia on the two islands as stated in the Embassy of Malaysia's Note AT 114 dated 27 March 1980 and its earlier Notes including Ref. AT 68/92 and ES 110/92 dated 19 May, 1992 and 11 August, 1992 respectively as well as at the First Malaysia-Indonesia Joint Working Group on Pulau Sipadan and Ligitan in Jakarta on 6-7 July, 1992 as reflected in the signed Record of Discussion of the aforementioned meeting, including the following:-

- Malaysia's sovereignty over Sipadan and Ligitan is a sovereignty acquired and established through various treaties and agreements as well as continuous, uninterrupted and peaceful exercise of authority over the two islands in question;

- Malaysia acquired sovereignty over Sipadan and Ligitan through succession in 1963 from Great Britain. The rights and interests of Great Britain over Sipadan and Ligitan were acquired through various arrangements entered into by the relevant parties in respect of North Borneo including Sipadan and Ligitan between 1878 and 1930. The relevant arrangements had been elaborated in to the Memorandum by the Government of Malaysia entitled "Malaysia's sovereignty over Pulau Ligitan and Pulau Sipadan" dated 7 July 1992, six copies of which were handed over to Indonesia at the First Malaysia-Indonesia Joint Working Group Meeting on Pulau Sipadan and Pulau Ligitan in July, 1992;

- The Government of British North Borneo had, not only acquired sovereignty over North Borneo including Sipadan and Ligitan through the abovementioned said arrangements but also exercised continuous and uninterrupted powers consistent with its sovereignty over those islands at all material times. The exercise of governmental powers and activities undertaken were compatible with the sizes, nature and locations of Sipadan and Ligitan. A list of the most significant activities so undertaken had also been outlined and documented in the said Memorandum by the Government of Malaysia;

- As the successor state to Great Britain over British North Borneo, Malaysia succeeded to all British rights and interests in North Borneo including Sipadan and Ligitan. Since then, Malaysia had exercised and continues to exercise its sovereignty over Sipadan and Ligitan through, interalia, the enforcement of its laws and regulations in, and the administration of, Sipadan and Ligitan by its agencies, including the Royal Malaysian Navy, the Royal Malaysian Marine Police, the Department of Fisheries and the Department of Wildlife Protection. Malaysia wishes to emphasize that the exercise of sovereignty by Malaysia and its predecessor state predates 1969;

- The Government of the Netherlands had never laid claim to Sipadan and Ligitan. The boundary between British and Dutch possessions in Borneo was clearly delimited by the Convention between Great Britain and the Netherlands respecting the boundaries in Borneo on 20th June, 1891. Pursuant to that, a demarcation exercise undertaken between 8th June, 1912 to 30th January, 1913 produced a Joint Report and Map dated 17th February, 1913. This was subsequently confirmed in the Agreement between Great Britain and the Netherlands relating to the boundary between the State of North Borneo and Netherlands possessions in Borneo, signed in London on 28th September, 1915. It is evident that both the Convention delimiting the boundary and the Agreement confirming the demarcated boundary did not make any provision for any points further east off the coast of Sebatik;

- Indonesia first made known its interest to claim Sipadan and Ligitan in 1969 in the course of the bilateral negotiations between the two countries on the demarcation of their respective continental shelves. Prior to that date, Indonesia had done nothing which would give rise to any understanding of its interest to claim Sipadan and Ligitan. In recent years, when Indonesia made several declarations of its interest over the two islands, Malaysia had duly conveyed its position namely to reject such claims by Indonesia. Malaysia has consistently protested against incidents of intrusions by Indonesian ships and aircraft into Malaysia's waters and airspace around Sipadan and Ligitan;

- Regarding the 1969 Understanding referred to in the Department of Foreign Affairs Note No. 736/92/29, the First Meeting of the Malaysia-Indonesia Joint Working Group in July 1992 had commenced to study the question of sovereignty over Sipadan and Ligitan. That Understanding has thus been fulfilled;

- The Government of Malaysia stands ready to continue the discussions with the Government of Indonesia on the issue of Sipadan and Ligitan so as to establish the correctness of the basis upon which Malaysia has always proceeded, and will continue to proceed to exercise sovereignty over the two islands in question.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

WISMA PUTRA
KUALA LUMPUR

4 December 1992

Annex 155

INDONESIAN *NOTE VERBALE*, PO 846/92/29, DATED 19 DECEMBER 1992

DEPARTMENT OF FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

Unofficial translation

Number : Pl. 846/92/24

The Department of Foreign Affairs of the Republic of Indonesia presents its compliments to the Embassy of Malaysia and with reference to the Note no. AT 139/92 dated 21 September 1992 and 175/92 dated 4 November 1992 from the Ministry of Foreign Affairs of Malaysia has the honour to convey to the Embassy the following:

1. As has been consistently stated by the Government of Indonesia and recently reiterated in the Department's Note no. Po. 736/92/20, dated 2 November 1992, it's clearly evident that Indonesia has in fact full sovereignty over Sipadan and Ligitan islands which are located in the Southern part of the straight boundary line between Malaysia and Indonesia in the east side of Sebatik island, parallel with the 4° 10'north latitude.

2. Due to its full sovereignty over the area, Indonesia has the right of access to the islands and their surrounding waters up to the parallel line of 4° 10' north latitude. Therefore, any activity conducted by Indonesia within that area is indeed within its sovereignty and can not be considered as intrusion.

3. On the other hand, the Government of Indonesia noted with grave concern the continued unilateral acts, activities and intrusions by Malaysian naval vessels and boats in the Indonesian territory by passing beyond the 4° 10' N.L. parallel line, including the following:

Embassy of Malaysia
Jakarta.

1. On 20 November 1991, at 5.40 hrs, a Malaysian vessel bearing the registration TLD Perkasa-3512 was sighted at approximately 0358 N-11828 E and instructed an Indonesian vessel, BC-2006 which was on patrol, to leave the position.

2. On 13 December 1991, at 17.10 hrs, a Malaysian patrol vessel, bearing the registration Marine Police Malaysia Cessna P-213 was sighted at 040740 N-1175810 E.

3. On 7 January 1992 at 8.30 hrs, an Indonesian aircraft, the Nomad P-808 sighted a Malaysian warship, KD Sri Johor-49 anchored and lowering a boat at position 0407 N-11837 E.

4. On 8 January 1992 at 16.30 hrs, a Malaysian warship was sighted, KD Sri Johor at position 040300 N-1180803 E.

5. On 16 January 1992, at 05.00 hrs, a Malaysian warship was sighted at position 0405 N.

6. On 20 January 1992, at 20.44 hrs an Indonesian naval vessel, KRI BDK was overtaken by a Malaysian warship, KD Rencong at position 040200 N-1182530 E.

7. On 6 February 1992, at 10.00 hrs, an Indonesian naval vessel sighted a Malaysian police vessel anchored at Pulau Sipadan and disembarked foreign tourists.

8. On 6 February 1992, at 10.00 hrs, a Malaysian speed boat was sighted heading for Pulau Sipadan and brought in a group of divers.

9. On 8 February 1992, at 15.00 hrs, an Indonesian naval vessel, KRI BDK made contacts with a Malaysian vessel which brought on board a Commander of Malaysian Fleet.

10. On March 4, 1992, at 14.15 hrs, Sei Pancang Station sighted a Malaysian warship pass in front of KAMLA III 301 station heading eastward.

11. On 11 March 1992, at 10.33 hrs, at position 0409 N-11833 E, an Indonesian vessel, P-816 sighted a Malaysia motor boat and speed boat heading for Pulau Sipadan and brought in some tourists.

12. On 11 March 1992, at 10.46 hrs at position 040820 N-1180330 E, an Indonesian naval vessel, KRI TNK made some radio communications with a Malaysian warship, KD Sri Perlis which was in the Indonesian waters near Pulau Sipadan.

The Government of Indonesia views these continuing unilateral, illegal and unfriendly activities as intrusions against the sovereignty and territorial integrity of Indonesia.

Such acts are also inconsistent with the spirit of the understanding reached in 1969 which was confirmed by the highest political level of both countries i.e that the claims of these islands should be discussed and settled through diplomatic channel.

However, in order to maintain good neighbourly relations, Indonesia is willing to resolve peacefully Malaysia's claim over Sipadan and Ligitan islands through negotiations in the spirit of ASEAN tradition of friendship. To that end, both sides should respect those understandings and, therefore, the 1969 "status quo" of the islands as well as refrain from any unilateral actions including that of the "exercise of sovereignty and jurisdiction."

The Department of Foreign Affairs of the Republic of Indonesia avails itself on this opportunity to renew to the Embassy of Malaysia the assurances of its highest consideration.

Jakarta, [illegible] December 1992

Annex 156

MALAYSIAN *NOTE VERBALE*, AT 1/93, DATED 7 JANUARY 1993

AT 1/93

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and with reference to Note No. PO 346/92/29 dated 19 December, 1992, from the Department of Foreign Affairs of the Republic of Indonesia, on Pulau Sipadan and Ligitan has the honour to state the following :-

- The Government of Malaysia reiterates Malaysia's sovereignty over Sipadan and Ligitan, a sovereignty acquired and established through various treaties and agreements as well as continuous, uninterrupted and peaceful exercise of authority over the two islands since the turn of the twentieth century;

- The bases of Malaysia's sovereignty over Sipadan and Ligitan have been stated in the Embassy of Malaysia's Note AT 114 dated 27 March 1988, the Ministry's Notes including AT 68/92 dated 19 May 1992, ES 110/92 dated 11 August 1992 and AT 176/92 dated 4 December 1992 and elaborated in the Memorandum of the Government of Malaysia entitled "Malaysia's Sovereignty over Pulau Ligitan and Pulau Sipadan" dated 7 July 1992. This Memorandum was handed over to the Indonesian Delegation during the First Malaysia-Indonesia Joint Working Group on Pulau Sipadan and Ligitan in Jakarta on 6-7 July 1992;

- The Government of Malaysia is of the view that Indonesia's claim to the Malaysian islands of Sipadan and Ligitan as well as their surrounding waters is devoid of any basis. The Government of Malaysia reiterates that all activities by Indonesian vessels which are not consistent with the regime of innocent passage constitute grave and serious violation of Malaysia's sovereignty and jurisdiction and would not contribute to good neighbourly relations;

- The Government of Malaysia wishes to emhphasize that the presence of Malaysian vessels in the waters of Sipadan and Ligitan are fully consistent with the exercise of sovereignty and jurisdiction by Malaysia over the two islands;

- The above notwithstanding and in the interest of promoting good bilateral relations as well as peace and stability of the region, the Government of Malaysia is ready to continue discussions with the Government of Indonesia on the correctness and legitimacy of the bases upon which Malaysia has always proceeded and will continue to proceed in the exercise of Malaysia's sovereignty and jurisdiction over the two islands and their surrounding waters.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

Wisma Putra,
Kuala Lumpur.

7 January 1993.

AT 20/93

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and further to its Note No. AT 175/92 dated 4 December, 1992 has the honour to bring to the attention of the Embassy, further acts of intrusion by Indonesia naval vessels and aircraft in Malaysian territorial waters and airspace around Pulau Sipadan and Ligitan as follows :-

- On 5 January, 1993 at 0913 hours, an unidentified Indonesian aircraft was sighted flying at low altitude over Pulau Sipadan. The said aircraft circled over Pulau Sipadan before leaving the airspace of Pulau Sipadan at 0923 hours;

- On 7 January, 1993 at 1749 hours, an Indonesia naval vessel bearing the registration TNI-AL KRI MARTHA KRISTINA TIYAHAHU was sighted approximately 4.5 nautical miles west of Pulau Sipadan. The said vessel communicated via radio with KD SRI JOHOR, a Malaysian naval vessel in the vicinity and instructed the latter to leave the area within five minutes and to stay north of latitude 4° 10′ North. This instruction was ignored by KD SRI JOHOR. KRI MARTHA KRISTINA TIYAHAHU left the area at 2006 hours;

- On 10 January, 1993 at 1115 hours, an Indonesian aircraft bearing the registration TNI-AL P 815 was sighted approaching Pulau Sipadan from the South. The said aircraft then flew over Pulau Sipadan as well as over KD KERAMBIT, a Malaysian naval vessel in the vicinity, before leaving the airspace of Pulau Sipadan at 1140 hours;

- On 12 January, 1993 at 1150 hours, two Indonesian police vessels bearing the registration POLRI No. 621 and POLRI No. 507 was sighted approximately 3.2 nautical miles west of Pulau Sipadan. POLRI No. 507

left the area at 1605 hours while POLRI No. 621 remained in the area. At 0445 hours, 13 January 1993, POLRI No. 507 reentered the area and joined up with POLRI No. 621. The latter vessel left the area at 0645 hours while POLRI No. 507 remained in the area until 1200 hours;

- On 14 January, 1993 at 1045 hours, an unidentified Indonesian aircraft was sighted approximately 5 nautical miles south of Pulau Sipadan. The said aircraft thereafter flew over and circled Pulau Sipadan twice at an altitude of approximately 200 feet before leaving the airspace of Pulau Sipadan at 1055 hours;

- On 28 January, 1993 at 0930 hours, an Indonesian aircraft bearing the registration TNI-AL P 811 was sighted approximately 5 nautical miles south west of Pulau Sipadan. The said aircraft flew over Pulau Sipadan and KD SRI PERLIS, a Malaysian naval vessel which was in the vicinity, before leaving the airspace of Pulau Sipadan at 0950 hours;

- On 29 January, 1993 at 0825 hours, an Indonesian aircraft bearing the registration TNI-AL P 811 was sighted approximately 5 nautical miles south of Pulau Sipadan. The said aircraft remained over the airspace of Pulau Sipadan until 0842 hours;

- On 30 January, 1993 at 1213 hours, an Indonesian aircraft bearing the registration TNI-AL P 811 was sighted at approximately 6 nautical miles south of Pulau Sipadan. The said aircraft flew over and circled Pulau Sipadan at low altitude before leaving thn airspace of Pulau Sipadan at 1218 hours;

- On 2 February, 1993 at 1010 hours, an Indonesian aircraft bearing the registration TNI-AL P 811 was sighted at approximately 3 nautical miles southeast of Pulau Sipadan. The said aircraft flew over and circled Pulau Sipadan at low altitude before leaving the airspace of Pulau Sipadan at 1017 hours;

- On 3 February, 1993 at 0725 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI

POMDRONG (801) was sighted approximately 7 nautical miles south west of Pulau Sipadan. KRI PONDRONG then approached to about 2 nautical miles off the north of Pulau Sipadan and remained in the area. At 0930 KRI PONDRONG left the area but reappeared approximately 5 nautical miles South of Pulau Sipadan at 1030 hours. The said vessel left the Malaysian territorial waters at 1130 hours;

- **On 10 February, 1993 at 1055 hours, an unidentified Indonesian aircraft was sighted approaching Pulau Sipadan from the West. The said aircraft flew over Pulau Sipadan before leaving the airspace of Pulau Sipadan at 1115 hours;**

- **On 17 February, 1993 at 1025 hours, an Indonesian naval vessel bearing the registration KRI PONDRONG (801) was sighted at approximately 8 nautical miles southeast of Pulau Sipadan and remained in the vicinity of Pulau Sipadan until 1230 hours, when the said vessel left the Malaysian territorial waters;**

- **On 18 February, 1993 at 630 hours, an Indonesian naval vessel bearing the registration DKN 507 was sighted at approximately 6 nautical miles south west of Pulau Sipadan. The said vessel left the Malaysian territorial waters at 1000 hours; and**

- **On 18 February, 1993 at 0750 hours, an Indonesian aircraft bearing the registration TNI-AL P 811 was sighted flying over Pulau Sipadan three times at low altitude. The said aircraft left the airspace of Pulau Sipadan at 0805 hours.**

The Government of Malaysia reiterates its concern over the continuing intrusions by Indonesia naval vessels and aircraft into Malaysian territorial waters and airspace around Pulau Sipadan. These acts of intrusion are inconsistent with the spirit and understanding reached at the Meeting of the Joint Working Group on Pulau Sipadan and Pulau Ligitan held in Jakarta from 6-7 July 1992 where both sides expressed mutual commitment and desire to resolve the issue of Sipadan and Ligitan in a peaceful and friendly way. In the spirit of neighbourly relations and in the

interest of peace, stability and security of the region, the Government of Malaysia once again, urges the Government of Indonesia to prevent the occurance of any incident of similar nature in the future.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

Wisma Putra,
Kuala Lumpur.

12 March, 1993.

Annex 158

INDONESIAN *NOTE VERBALE*, PO 247/93/29, DATED 2 APRIL 1993

DEPARTMENT OF FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

Number : Nr. 247/93/[illegible]

The Department of Foreign Affairs of the Republic of Indonesia presents its compliments to the Embassy of Malaysia and with reference to the Notes no. AT 175/92, dated 4 December 1992, no. AT 1/93, dated 7 Januari 1993 and no. AT 20/93 dated 12 March 1993 from the Ministry of Foreign Affairs of Malaysia to the Embassy of Indonesia in Kuala Lumpur as well as to the Memorandum of the Government of Malaysia entitled "Malaysia's Sovereignty over Pulau Ligitan and Pulau Sipadan", has the honour to inform the Embassy that during the Second Joint Commission Meeting held in Jakarta on 8 February 1993, the Minister for Foreign Affairs of Indonesia submitted to the Minister of Foreign Affairs of Malaysia 5 copies of a document entitled "Reply of the Government of the Republic of Indonesia to the Memorandum of the Government of Malaysia on Its Sovereignty over Pulau Sipadan and Ligitan". The document basically constitutes a clarification and confirmation of the position of the Government of Indonesia on Indonesia's sovereignty over Pulau Sipadan and Ligitan.

It is held obvious in the above reply that none of the compilation of documents presented by Malaysia has proven the validity of Malaysia's claim of sovereignty over Pulau Sipadan and Ligitan. On the contrary, the documents were either irrelevant, unrelated, or entirely of no legal value whatsoever. Therefore, any activity conducted by Indonesia within that area up to the parallel line of 4°10' North latitude is indeed within its sovereignty and can not be considered an intrusion.

The Embassy of Malaysia
Jakarta

On the other hand, the Government of Indonesia notes with grave concern the continued unilateral acts and activities of Malaysia, such as the occupation, the promotion of tourism in Pulau Sipadan, and the intrusion by Malaysian naval vessels and boats on Indonesian territory by passing beyond the 4°10' N.L. parallel lines, as recently reiterated in the Department's note no. PO. 846/92/29 dated 19 December 1992. The Government of Indonesia views these continuing unilateral, illegal and unfriendly activities as breach of international law and as acts against the sovereignty and territorial integrity of Indonesia and as such, inconsistent with the spirit of the understanding reached in 1969.

However, the Department of Foreign Affairs further has the honour to emphasize the Government of Indonesia's continued willingness to resolve peacefully Malaysia's claim over Pulau Sipadan and Ligitan through negotiations in the spirit of the ASEAN tradition of amity and cooperation, with an appeal that Malaysia refrain from conducting any further unilateral action that may complicate the matter and observe the 1969 status quo of those islands.

The Department of Foreign Affairs of the Republic of Indonesia avails itself of this opportunity to renew to the Embassy of Malaysia the assurances of its highest consideration.

Jakarta, April [illegible], [illegible].

Annex 159

MALAYSIAN *NOTE VERBALE*, AT 23/93, DATED 8 APRIL 1993

AT 23/93

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and further to its Note No. AT 20/93 dated 12 March, 1993 has the honour to bring to the attention of the Embassy, further acts of intrusion by Indonesia naval vessels and aircraft in Malaysian territorial waters and airspace around Pulau Sipadan and Ligitan in the month of March, 1993 as follows:

- On 3 March, 1993 at 0454 hours, a Malaysian naval vessel KD MAHAWANGSA in the vicinity of Pulau Sipadan, sighted an unidentified Indonesian naval vessel at approximately 2 nautical miles south west of the island. The registration of the said vessel could not be established because of darkness. The said vessel left the waters of Pulau Sipadan at 0700 hours;

- On 4 March, 1993 at 0230 hours, KD MAHAWANGSA again sighted an Indonesian naval vessel south of Pulau Sipadan. KD MAHAWANGSA thereafter established contact with the Indonesian naval via light signals and radio. The identity of the Indonesian naval vessel was confirmed as TNI-AL KRI PANDORONG;

- On 5 March, 1993 at 0620 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI PANDORONG was again sighted off the southeast of Pulau Sipadan;

- On 8 March, 1993 at 1005 hours, an unidentified Indonesian TNI-AL aircraft was sighted approaching Pulau Sipadan from the southwest direction. The said aircraft circled over Pulau Sipadan at a low altitude approximately 200 feet before leaving airspace of Pulau Sipadan at 1020 hours; and

- On 12 March, 1993 at 0750 hours, a Malaysian naval vessel KD GANAS sighted an Indonesian naval vessel bearing the registration TNI-AL LURSSEN PB 7 at approximately 7 nautical miles south of Pulau Ligitan.

The Government of Malaysia reiterates the concern expressed in its earlier Notes over the continuing intrusions by Indonesia naval vessels and aircraft into the waters and airspace of Pulau Sipadan and Ligitan and urges the Government of the Republic of Indonesia to prevent the occurance of any incident of similar nature in the future.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

Wisma Putra,
Kuala Lumpur.

8 April, 1993.

Annex 160

INDONESIAN *NOTE VERBALE*, PO 345/93/29, DATED 5 MAY 1993

DEPARTMENT OF FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

Number : PO. 245/93/09

The Department of Foreign Affairs of the Republic of Indonesia presents its compliments to the Embassy of Malaysia and with reference to the Note of the Ministry of Foreign Affairs of Malaysia No. AT. 23/93 dated 8 April 1993, has the honour to request the attention of the Embassy that following the former's Note No. PO. 247/93/29 dated 2 April 1993, further acts of intrusion by the Malaysian vessels and boats into the Indonesian territory from January to February 1993 were conducted as follows :

- On 7 January 1993 at 17.52 hours, a Malaysian vessel KD. Johor No. 49 was sighted at 4°06'30" North/118°32'30" East approaching Pulau Sipadan.
- On 10 January 1993 at 10.14 hours, a Malaysian vessel KD Karambit No. 43 anchored at 4°03' North/118°36' East.
- On 10 January 1993 at 10.17 hours, two Malaysian speed boats with 36 passengers carried out diving activities at the northern part of Pulau Sipadan.
- On 14 January 1993 at 12.41, a Malaysian vessel registered as KD Rencong No. 38 anchored at 04°04' North/118°31' East.
- On 28 January 1993 at 07.30, a Malaysian Patrol vessel TLDM No. 47 sighted at 04°04' North/118°31' East.
- On 28 January 1993 at 08.34, five Malaysian motor vessels carried out diving activities within the coast of Pulau Sipadan were sighted.
- On 30 January 1993 at 11.10, a Malaysian Naval vessel KD Rencong No. 38 anchored at 04°03' North/118°34' East.
- On 30 January 1993 at 10.00, seven Malaysian speed boats carried out diving activities within the coast of Pulau Sipadan.
- On 3 February 1993 at 07.55, a Malaysian Naval vessel KD Sri Perlis No. 47 sighted at 04°06' North/118°38' East.
- On 17 February 1993 at 10.15, a Malaysian Naval vessel KD Karambit No. 43 sighted at 04°03' North/118°35' East.

The Embassy of Malaysia
JAKARTA

DEPARTMENT OF FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

- On 18 February 1993 at 06.25, a Malaysian Naval vessel KD Sri Perlis No. 47 floating at 04°03' North/118°24' East.

The Government of Indonesia expresses once again its grave concern over the continuing unilateral acts, activities and intrusions by Malaysia by passing beyond the 4°10' North parallel line. It urges the Government of Malaysia to observe the 1969 status quo of Pulau Sipadan and Ligitan as well as the surrounding waters and refrain from conducting any further unilateral action.

The Department of Foreign Affairs of the Republic of Indonesia avails itself of this opportunity to renew to the Embassy of Malaysia the assurances of its highest consideration.

Jakarta, 5 May 1993

Annex 162

MALAYSIAN *NOTE VERBALE*, AT 31/93, DATED 12 MAY 1993

AT 31/93

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and with reference to Note No. PO. 247/93/39 dated 2 April, 1993, from the Department of Foreign Affairs of the Republic of Indonesia on Sipadan and Ligitan has the honour to state the following :-

- The Government of Malaysia reiterates its rejection of Indonesia's assertion of sovereignty over Sipadan and Ligitan. Both islands are part of the territory of Sabah and Malaysia has exercised continuous sovereignty over them;

- The bases of Malaysia's sovereignty over Sipadan and Ligitan have been clearly stated in previous Notes from the Ministry and the Embassy of Malaysia in Jakarta and further elaborated in the Memorandum of the Government of Malaysia entitled "Malaysia's Sovereignty Over Pulau Ligitan and Pulau Sipadan" dated 7 July 1992. The documents presented by Malaysia thus far in the Memorandum clearly support Malaysia's title over Sipadan and Ligitan;

Indonesia, on the contrary, has not shown any document of legal significance to support the basis of its claim. The three documents and a map submitted during the First Working Group on Sipadan and Ligitan, 5-7 July, 1992 as well as the two documents contained in Indonesia's "Reply of the Government of the Republic of Indonesia to the Government of Malaysia on its sovereignty over Pulau Sipadan and Ligitan" dated 5 February, 1993 are totally irrelevant and do not in any way advance Indonesia's claim. The Government of Malaysia will in due course submit an appropriate response to rebut the points raised in the 5 February, 1993 Reply by Indonesia;

- The Government of Malaysia reiterates its rejection of the contention by Indonesia that the activities undertaken by its naval vessels and aircraft in the waters and airspace of Sipadan and Ligitan do not constitute instrusions. As Sipadan and Ligitan are part of Malaysia's territory, the presence of Indonesian naval vessels and aircraft in the surrounding waters and airspace of the said islands which are inconsistent with the regime of innocent passage could not but be viewed as instrusions and in violation of Malaysia's sovereignty and jurisdiction; and

../3

- The Government of Malaysia also wishes to emphasize that the ongoing tourism related activities undertaken on Sipadan as well as the presence of Malaysia vessels in the waters of Sipadan and Ligitan are fully consistent with its exercise of sovereignty and jurisdiction over the two islands.

The above notwithstanding, the Government of Malaysia wishes to emphasize once again that in the interest of peace and security of the region and as well as in the interest of maintaining the close and excellent relations between the two countries, the Government of Malaysia stands ready to continue the process of friendly negotiations towards finding a final resolution to the issue of Sipadan and Ligitan.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

Wisma Putra,
Kuala Lumpur.

12 May, 1993.

../3

Annex 162

MALAYSIAN *NOTE VERBALE*, AT 32/93, DATED 12 MAY 1993
[ERRONEOUSLY DATED 12 MARCH 1993]

AT 32/93

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and further to its Note No. AT 23/92 dated 8 April, 1993 has the honour to bring to the attention of the Embassy, further acts of intrusion by Indonesian naval vessels and aircraft in Malaysian territorial waters and airspace around Pulau Sipadan in the month of April, 1993 as follows:-

- On 3 April, 1993 at 0815 hours, an Indonesian naval vessel bearing the registration KRI WILHELMUS ZAKARIA YOHANNES was sighted at approximately 10 nautical miles east of Pulau Sipadan. The said vessel left the waters of Sipadan at 0945 hours;

- On 6 April, 1993 at 0815 hours, an Indonesia naval vessel bearing the registration TNI-AL KALMAHAKAN No. T 331 was sighted in Malaysian territorial waters off Tawau;

- On 6 April, 1993 at 1021 hours, an Indonesian aircraft bearing the registration TNI-AL No. P 804 was sighted flying over Pulau Sipadan at a low altitude approximately 10 meters. The said aircraft left the airspace of Pulau Sipadan at 1030 hours. At 1128 hours, a Malaysian aircraft KENCANA 174 in the vicinity of Pulau Sipadan, sighted an Indonesian aircraft at approximately 6 nautical miles east of the said island:

- On 22 April, 1993 at 1052 hours an Indonesian naval vessel bearing the registration KRI HAJAR DEWANTARA was sighted approximately 5 nautical miles south of Pulau Sipadan. At 1321 hours, another Indonesia naval vessel bearing the registration KRI TELOK ENDE was sighted approximately 3 nautical miles east of Pulau Sipadan. At 1515 hours, another Indonesian naval vessel bearing the registration KRI MALAHAYATI was sighted at approximately 10 nautical miles south-west of Pulau Sipadan. The three naval vessels subsequently rendezvoused and set sail in a formation toward the south-westerly direction out of Sipadan's territorial waters.

The Government of Malaysia reiterates its concern expressed in its earlier Notes over the continuing acts of intrusion by Indonesia naval vessels and aircraft into the territorial waters and airspace of Pulau Sipadan and

Ligitan and urges the Government of the Republic of Indonesia to prevent the occurance of any incident of similar nature in the future.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

Wisma Putra,
Kuala Lumpur.

12 March, 1993.

Annex 163

RESUME OF A SITE VISIT TO SIPADAN ISLAND AS A REPORT TO HEAD OF BULUNGAN REGENCY, DATED 6 JUNE 1993

Resume of a site visit to Sipadan Island as a report to Head of Bulungan Regency

On Sunday, 6 June 1993, We the undersigned, as part of the team to conduct a site visit to Sipadan Island of Pancang Village of Sebatik Prefecture of Nunukan District of Bulungan Regency of East Kalimantan, has undertaken the site visit to the recreation facilities in that island with data are as follows:

1. Group consists of
    1. Bulungan = 25 person
    2. Leader/Vice Leader = 7 person
    3. Special Team = 8 person
    4. Pancang People = 20 person
    5. Ships seafarers = 6 person

    Total = 66 person

2. Vehicle used : Ships KM Surya Tarakan
3. Security (covered) : Naval Base Nunukan with speed boat powered 150 HP.
4. Departure time : 06.00 Middle Indonesian Time
    Arrival time : 10.00 Middle Indonesian Time
    Time elapsed in Sipadan : 4 hours
5. Condition of Sipadan Island : The land size of Sipadan island is approximately 14 hectare with 50 tourist hut, a pier, a lot of foreign tourist, 786 turtle with an average laying eggs approximately 20 turtles. There are 3 tourist object office in Sipadan Island with approximately 60 employees.
6. Condition of Ligitan Island : The team could not reach the island, however trusted information said that the island is a reef/coral island which on low tide water some plants shall be found.
7. Land use in Sipadan in Sipadan island and its surrounding : Mostly consists of bushes and there are coconut trees being preserved.
8. Height from sea Level : There is a light house between 1 to 4 meter from the surface surrounded by coral reefs (copy attached)
9. Soil Quality : Based on the topographical location, if one walk by circling around the island, it will take back about 20 minutes. The island covered with white sandy beach and

there is clean water resources (not used as drinking waters, only for plants).

10. Drainage of land consist follows :
- a. 70%-90% never inundated.
- b. 30% periodically inundated
- c. 0% annually inundated.

11. Population : There are 3 people with 1 family. Migrated people approximately 60 people.

12. Source of living : To guard turtle eggs and it was believed that Bajau tribe governed the island since 1933 and maintained the turtle eggs since 1963. The tourist object has been established since 1980.

13. Advise and proposal to Regional Government Of Bulungan, East Kalimantan : The Sipadan island shall be established and continued as tourist object.

14. Opinion and advise from observer : Sipadan island is a sovereign rights of Indonesia. The island of Sipadan has a potential to become one of the most beautiful tourist object in the world because of its nature beauty. There are no Indonesian or Malaysian Government official in the area, except a wildlife guard from Malaysia (Jabatan Hidup Liar) and Security officer from three travel agent in the Sipadan island.

15. Conclusion made by member of the team : As part of Pamang citizen, it is our duty to take over and defend the sovereignty of Indonesia in the island of Sipadan and Ligitan. There are 60 people ready to undertake that duty.

16. Miscellaneous : Issues that said the island of Sipadan and/or Ligitan is precarious was untrue.

Annex 164

INDONESIAN *NOTE VERBALE*, 302/93/29, DATED 17 JUNE 1993

DEPARTMENT OF FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

Number : 462/93/24

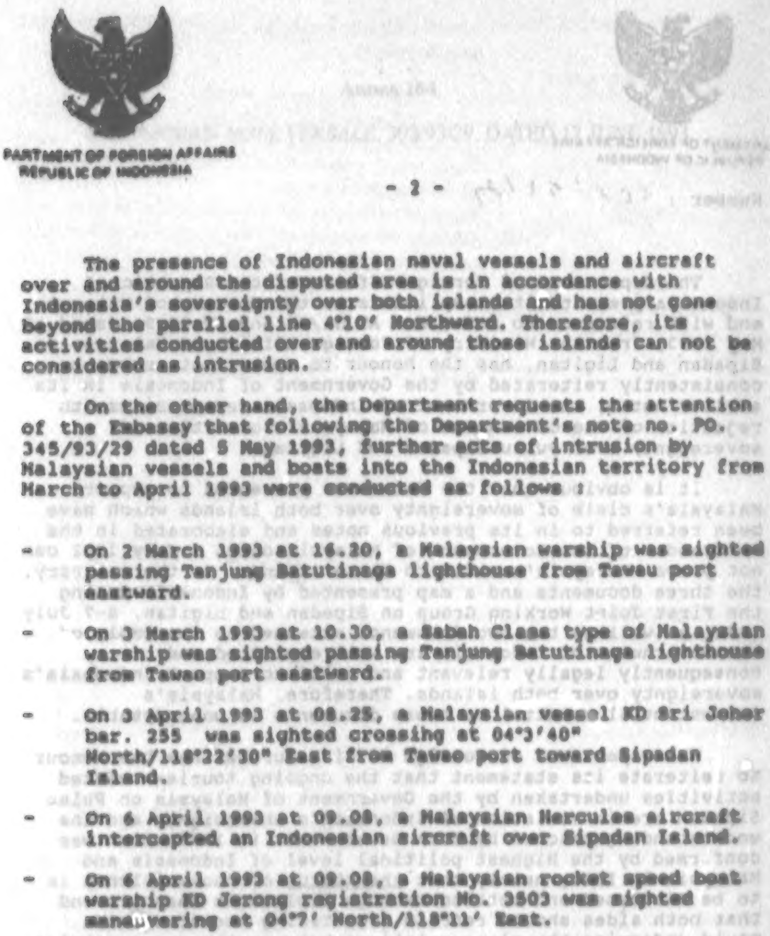
The Department of Foreign Affairs of the Republic of Indonesia presents its compliments to the Embassy of Malaysia and with reference to notes No. AT 31/93 and AT 32/93 dated 12 May 1993, from the Ministry of Foreign Affairs of Malaysia on Sipadan and Ligitan, has the honour to state that as has been consistently reiterated by the Government of Indonesia in its earlier notes, the Government of Indonesia reemphasizes its rejection of the Government of Malaysia's assertion of sovereignty over Pulau Sipadan and Ligitan.

It is obvious that the documents presented to support Malaysia's claim of sovereignty over both islands which have been referred to in its previous notes and elaborated in the Memorandum of the Government of Malaysia dated 7 July 1992 can not prove Malaysia's title to those islands. On the contrary, the three documents and a map presented by Indonesia during the First Joint Working Group on Sipadan and Ligitan, 6-7 July 1992, as well as the two documents attached to the Reply of the Government of Indonesia are well explained and consequently legally relevant and valid to support Indonesia's sovereignty over both islands. Therefore, Malaysia's insubstantial rebuttal to those documents is unacceptable.

The Department of Foreign Affairs further has the honour to reiterate its statement that the ongoing tourism-related activities undertaken by the Government of Malaysia on Pulau Sipadan are in violation of Indonesia's sovereignty and the understanding reached by both Governments in 1969 which was confirmed by the highest political level of Indonesia and Malaysia in 1988, namely that the status of those islands is to be discussed and settled through diplomatic channels and that both sides should refrain from taking measures which could undermine the close relations between the two countries.

The Department of Foreign Affairs also emphasizes that in line with Article IV of the 1891 Treaty, Indonesia has sovereignty over the islands and their surrounding waters. The parallel line 4°10' N.L boundary which was mutually agreed upon in the Treaty firmly defines Indonesia's sovereignty. This boundary line can never be changed, not even by the reclamation of Atoll Roach which is located 1 nautical mile northward of this boundary line. Furthermore, according to Article 60 paragraph 8 of the United Nations Convention on the Law of the Sea of 1982, an artifical island does not possess the status of island and shall have no territorial sea of its own and that its presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

The Embassy of Malaysia
JAKARTA



PARTMENT OF FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

- 2 -

The presence of Indonesian naval vessels and aircraft over and around the disputed area is in accordance with Indonesia's sovereignty over both islands and has not gone beyond the parallel line 4°10' Northward. Therefore, its activities conducted over and around those islands can not be considered as intrusion.

On the other hand, the Department requests the attention of the Embassy that following the Department's note no. PO. 345/93/29 dated 5 May 1993, further acts of intrusion by Malaysian vessels and boats into the Indonesian territory from March to April 1993 were conducted as follows :

- On 2 March 1993 at 16.20, a Malaysian warship was sighted passing Tanjung Batutinaga lighthouse from Tawau port eastward.
- On 3 March 1993 at 10.30, a Sabah Class type of Malaysian warship was sighted passing Tanjung Batutinaga lighthouse from Tawao port eastward.
- On 3 April 1993 at 08.25, a Malaysian vessel KD Sri Johor bar. 255 was sighted crossing at 04°3'40" North/118°22'30" East from Tawao port toward Sipadan Island.
- On 6 April 1993 at 09.08, a Malaysian Hercules aircraft intercepted an Indonesian aircraft over Sipadan Island.
- On 6 April 1993 at 09.08, a Malaysian rocket speed boat warship KD Jerong registration No. 3503 was sighted maneuvering at 04°7' North/118°11' East.
- On 6 April 1993 at 09.21, an Attack Class type of Malaysian warship KD Johor registration No. 49 was found maneuvering at 04°5' North/118°38' East.
- On 22 April 1993, a Malaysian naval vessel KD Canyang-3504 was sighted at 03°56' North/118°37 East.

The Government of Indonesia expresses once again its grave concern over such continuing unilateral acts, occupation, activities and intrusions by Malaysia beyond the parallel line of 4°10' N.L. It urges the Government of Malaysia to observe the 1969 status quo of Pulau Sipadan and Ligitan as well as their surrounding waters and [illegible] refrain from conducting any further unilateral action.

PARTMENT OF FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

However, the Department of Foreign Affairs further has the honour to reiterate the Government of Indonesia's continued willingnes to resolve peacefully Malaysia's claim over Pulau Sipadan and Ligitan through negotiations in the spirit of the ASEAN tradition of amity and cooperation.

The Department of Foreign Affairs of the Republic of Indonesia avails itself of this opportunity to renew to the Embassy of Malaysia the assurances of its highest consideration.

Jakarta, 17 June 1992

Annex 165

MALAYSIAN *NOTE VERBALE*, AT 40/93, DATED 23 JUNE 1993

AT 40/93

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and with reference to Note No. PO 345/93/29 dated 5 May, 1993 from the Department of Foreign Affairs of the Republic of Indonesia has the honour to state the following :-

- The Government of Malaysia reiterates that Malaysia has sovereignty and jurisdiction over Sipadan and Ligitan. The two islands are part of the state of Sabah and Malaysia has exercised continuous sovereignty over them;

- The Government of Malaysia categorically rejects the contention in the above mentioned Note that the presence of Malaysian naval vessels and boats in the waters surrounding Sipadan and Ligitan on the quoted dates are acts of intrusion into Indonesian territory. As Sipadan and Ligitan are part of Malaysian territory, all economic activities on Sipadan as well as the presence of Malaysian vessels in their surrounding waters are fully in conformity with Malaysia's exercise of sovereignty and jurisdiction;

- **The Government of Malaysia wishes to reiterate its position, as already clarified by the Leader of the Malaysian Delegation during the First Meeting of the Joint Working Group on Sipadan and Ligitan held in Jakarta from 5-7 July, 1992, regarding the 1969 understanding reached between Malaysia and Indonesia on this issue. To date, Malaysia has not been able to trace any record of any understanding as stated by Indonesia. The "evidence" submitted by the Indonesian Delegation during the said Meeting i.e. letters exchanged in 1969 between Dr. Mochtar Kusumaatmadja of Indonesia and the Secretary, Ministry of Lands and Mines, Malaysia was in fact a confirmation by both sides that the Meeting in 1969 was technical in nature. With the establishment of the Malaysia-Indonesia Joint Commission and the commencement of negotiations through the Joint Working Group on Sipadan and Ligitan to address Indonesia's claims over the said islands, the 1969 understanding is now fulfilled; and**

- **The Government of Malaysia wishes to reemphasise once again that in the interest of peace and security of the region and taking into account the close and excellent relations between the two countries, it is ready to continue the discussions to resolve this issue peacefully through negotiations in conformity** with the understanding reached between the Hon'ble Dato' Seri Dr. Mahathir Mohammed and Paduka Yang Mulia President Soeharto.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

Wisma Putra,
Kuala Lumpur.

23 June, 1993.

Annex 166

MALAYSIAN *NOTE VERBALE*, AT 41/93, DATED 23 JUNE 1993

AT 41/93

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and further to its Note No. AT 32/93 has the honour to bring to the attention of the Embassy, further acts of intrusion by Indonesian naval vessels and aircraft in the territorial waters and airspace of Pulau Sipadan as follows:-

- On 22 April, 1993 at 1407 hours, an Indonesian helicopter - Bell 47J bearing the registration HU 414 was sighted flying at a low altitude over Pulau Sipadan twice before leaving the airspace of Pulau Sipadan;

- On 25 April, 1993 at 1345 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI HAJAR DEWANTARA No. 364 was sighted at approximately 0.5 nautical mile west of Pulau Sipadan. A crew of the said vessel was seen taking video tape pictures of Pulau Sipadan. The said vessel only left the waters of Pulau Sipadan when a Malaysian naval vessel, KD PERKASA approached it;

- On 7 May, 1993 at 0830 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI KAKAP was sighted at approximately 7.2 nautical miles south west of Pulau Sipadan. The said vessel left the area at 0916 hours but reappeared at 1010 hours and remained in the area until 1130 hours;

- On 7 May, 1993 at 1111 hours, an Indonesian aircraft bearing the registration TNI-AL P 618 was sighted flying over Pulau Sipadan. The aircraft circled Pulau Sipadan three (3) times before leaving the airspace of Pulau Sipadan at 1140 hours;

- On 8 May, 1993 at 1105 hours, an Indonesian TNI-AL CN 235 aircraft was sighted flying at a low altitude approximately 50 feet over Pulau Sipadan and left the airspace of the said island at 1115 hours;

- On 11 May, 1993 at 1000 hours, an Indonesian naval vessel bearing the registration TNI-AL PB 57 was sighted at approximately 2.5 nautical miles west of Pulau Sipadan and remained in the area until 1500 hours. The said vessel circled Pulau Sipadan from a distance approximately 1 nautical mile before leaving the waters of Pulau Sipadan;

- On 15 May, 1993 at 0825 hours, an Indonesian aircraft bearing the registration TNI-AL P 818 was sighted flying over Pulau Sipadan. The said aircraft left the airspace of Pulau Sipadan at 0850 hours;

- On 22 May, 1993 at 0900 hours, an Indonesian TNI-AL Donier aircraft was detected flying at a low altitude approximately 250 feet over Pulau Sipadan. The aircraft then proceeded and flew over Pulau Ligitan before leaving Malaysian airspace at 0930 hours. At 1215 hours, another Indonesian aircraft bearing the registration TNI-AL P 811 was sighted circling over Pulau Sipadan before leaving Malaysian airspace at 1225 hours;

- On 26 May, 1993 at 1215 hours, an Indonesian aircraft bearing the registration TNI-AL P 811 was sighted circling at a low altitude approximately 50 feet over Pulau Sipadan twice. The aircraft also flew twice over a Malaysian naval vessel KD SRI SABAH, in the vicinity of Pulau Sipadan before leaving Malaysian airspace;

- On 31 May, 1993 at 0659, two Indonesian Naval vessels bearing the registration TNI-AL NGURAH RAI No. 344 and TNI-AL KRI ARUN respectively, were sighted at approximately 3.3 nautical miles south east of Pulau Ligitan. The two vessels remained in the area until

1130 hours. At 1045 hours, another Indonesian naval vessel bearing the registration TNI-AL KRI HAJAR DEWANTARA No. 364 was sighted at approximately 9.5 nautical miles west of Pulau Sipadan and remained in the area until 1130 hours; and

- On 3 June, 1993 at 0815 hours, an Indonesian naval vessel bearing the registration TNI-AL KALMAHKAM No. 331 was sighted at approximately 20 miles south east of Tawau.

The Government of Malaysia reiterates its concern over the continuing acts of intrusion by Indonesian naval vessels and aircraft into the territorial waters and airspace of Pulau Sipadan and Ligitan and urges the Government of the Republic of Indonesia to prevent the occurrence of any incident of similar nature in the future.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

Wisma Putra,
Kuala Lumpur.

23 June, 1993.

Annex 167

MALAYSIAN *NOTE VERBALE*, AT 64/93, DATED 28 JULY 1993

AT 64/93

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and further to its Note No. AT 40/93 dated 23 June, 1993 has the honour to state the following:-

- The Government of Malaysia categorically rejects the contention in Note No. 302/93/29 dated 17 June, 1993 from the Department of Foreign Affairs of the Republic of Indonesia that it has sovereignty over Sipadan and Ligitan. The two islands are part of the State of Sabah and Malaysia has sovereignty and jurisdiction over them;

- The bases of Malaysia's title and sovereignty over the two islands have been clearly elaborated and substantiated in Malaysia's Memorandum entitled "Malaysia's Sovereignty over Pulau Ligitan and Pulau Sipadan", which contained forty-seven supporting documents. Six copies of the above Memorandum were handed to the Indonesian Delegation during the First Working Group Meeting on Sipadan and Ligitan held in Jakarta from 5-7 July, 1992. In due course, the Government of Malaysia will submit appropriate

responses to rebut the points raised in the 5 February, 1993 Reply by Indonesia, as well as further supporting evidence of Malaysia's title over the two islands;

- **The Government of Malaysia wishes to state that the allegation that Malaysia is undertaking reclamation of Atoll Roach is totally unfounded and without basis. In any case, it is within Malaysia's sovereign rights to undertake such an activity in its territorial waters. The status of Atoll Roach has no relevance to the fact of Malaysia's ownership and sovereignty over Sipadan and Ligitan. The bases of Malaysia's sovereignty over Sipadan and Ligitan are consistent with internationally accepted legal principles; and**

- **The Government of Malaysia further rejects the contention in the said Note that the presence of Malaysian vessels and aircraft on dates indicated are acts of intrusion into Indonesian territory. Their presence in the waters around Sipadan and Ligitan is a legitimate exercise of Malaysia's sovereignty and jurisdiction and does not constitute acts of intrusion.**

The above notwithstanding, the Government of Malaysia wishes to emphasise once again that in the interest of peace and security of the region and as well as in the

interest of maintaining close relations between the two countries, the Government of Malaysia stands ready to continue the process of friendly negotiations with the Government of Indonesia on the correctness and legitimacy of the bases upon which Malaysia has always proceeded and will continue to proceed in the exercise of Malaysia's sovereignty and jurisdiction over the two islands and their surrounding waters.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

Wisma Putra,
Kuala Lumpur.

28 July, 1993.

Annex 168

MALAYSIAN *NOTE VERBALE*, AT 81/93, DATED 23 AUGUST 1993

The [illegible] its compliments to the Embassy of the Republic of Indonesia and further to its note No. AT 41/93 has the honour to bring to the attention of the Embassy, further acts of intrusion by Indonesian naval vessels and aircraft in the territorial waters and airspace of Pulau Sipadan in the months of June and July, 1993 as follows:

1. On 28 June, 1993 at 1250 hours, a Malaysian naval vessel, KD [illegible] sighted an Indonesian aircraft bearing the registration TNI-AL P 812 at approximately [illegible] nautical miles north east of Pulau Sipadan. The said aircraft then flew at low altitude, approximately [illegible] feet and about 10 yards on the starboard side of KD [illegible] before leaving the area.

2. On 6 July, 1993 at 1015 hours, an Indonesian naval vessel bearing the registration KRI [illegible] was sighted in Malaysian territorial waters at a location southeast of Pulau Sipadan, and remained in the area until 8 July, 1993.

AT 81/93

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and further to its Note No. AT 41/93 has the honour to bring to the attention of the Embassy, further acts of intrusion by Indonesian naval vessels and aircraft in the territorial waters and airspace of Pulau Sipadan in the months of June and July, 1993 as follows:-

- On 25 June, 1993 at 1040 hours, a Malaysian naval vessel, KD YU sighted an Indonesian aircraft bearing the registration TNI-AL P 813 at approximately 7 nautical miles north west of Pulau Sipadan. The said aircraft then flew at low altitude approximately 20 feet and about 20 yards on the starboard side of KD YU before leaving the area;

- On 6 July, 1993 at 1015 hours, an Indonesian Police vessel bearing the registration POLRI 510 was sighted in Malaysian territorial waters at a location southeast of Pulau Sipadan and remained in the area until 8 July, 1993;

- On 13 July, 1993 at 0845 hours, an Indonesian naval vessel bearing the registration TNI-AL KALMAHAKAM (331) was sighted at approximately 4.5 nautical miles west of Pulau Sipadan. The said vessel was seen towing a "sea boat". The vessel changed course and left the waters of Pulau Sipadan at 1010 hours when a Malaysian naval vessel approached; and

- On 31 July, 1993 at 1055 hours, an Indonesian aircraft being the registration TNI-AL P 812 was sighted flying at low altitude over Pulau Sipadan. The said aircraft circled over Pulau Sipadan twice before leaving Malaysian airspace at 1102 hours.

The Government of Malaysia reiterates its concern over the continuing acts of intrusion by Indonesian naval vessels and aircraft into the territorial waters and airspace of Pulau Sipadan and urges the Government of the Republic of Indonesia to prevent the occurrence of any incident of similar nature in the future.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

Wisma Putra,
Kuala Lumpur.

23 August, 1993.

Annex 169

INDONESIAN *NOTE VERBALE*, PO 698/93/29, DATED 24 AUGUST 1993

Number : PO. 692/93/27

The Department of Foreign Affairs of the Republic of Indonesia presents its compliments to the Embassy of Malaysia and with reference to notes no. AT. 40/93 and no. AT. 41/93 dated 23 June 1993 as well as no. AT. 84/93 dated 28 July 1993 on P. Sipadan and Ligitan, from the Ministry of Foreign Affairs of Malaysia addressed to the Embassy of Indonesia in Kuala Lumpur, has the honour to reiterate the following :

1. With regard to "Malaysia's sovereignty and jurisdiction over the two islands and their surrounding waters" as the Government of Malaysia has attempted to prove in its Memorandum, the Government of Indonesia wishes to inform the latter that the position of the Government of Indonesia has been stated in its Reply which was officially submitted to the Government of Malaysia in Jakarta on 8 February 1993 during the Second Joint Commission Meeting. In that Reply, the Government of Indonesia has given a detailed confutation of all points presented by the Government of Malaysia in supporting its claim which were repeated in its subsequent diplomatic notes. In fact, the Reply proves that it is obvious that none of the statements and the attached compilation of documents presented by Malaysia has proven the validity of Malaysia's claim of sovereignty over Pulau Sipadan and Ligitan. On the contrary, the documents were either irrelevant, unrelated, or entirely of no legal value whatsoever.

2. What the Government of Indonesia wishes to hear at this stage is an official, legally justified observation or remarks from the Malaysian Government side to the Indonesian Government's Reply and not merely repetitions of statements of sovereignty claims or statement of political readiness to negotiate through a series of diplomatic notes without, however, exercising self-restraint or maintaining the status quo with regards to the two islands but instead continuing unilateral actions and occupation of these islands.

3. With that consideration, the Government of Indonesia is of the opinion that it would be more constructive indeed if the exercise of an endless polemic on sovereignty claims be ceased, for otherwise it would only complicate the problem. Appeals for peaceful negotiations should be supported by a concrete positive demonstration of self-

The Embassy of Malaysia
JAKARTA

restraint such as refraining from any unilateral action or occupation of these islands. Such demonstration of self-restraint and a moratorium should serve as the first stage of interim measure, if a preventive diplomacy process is sought to be established.

4. The dispute over Pulau Sipadan and Ligitan is a case of overlapping claims of sovereignty. Those islands became a problem after the delegations of Indonesia and Malaysia started discussions in Kuala Lumpur, September 9-22, 1969, on the delimitation of maritime boundaries in the Malacca Strait and in the South China Sea at the Western part of the Malaysian peninsula and the Eastern part of Kalimantan. The negotiations on the delimitation of the sea boundaries at the above overlapping areas other than the Eastern part of Kalimantan have been concluded. The negotiations on the Eastern part of Kalimantan have not been concluded because the two delegations differed in perception of the status of Sipadan and Ligitan islands. Negotiations were suspended because of political sensitivities on the Northeast of Borneo between Malaysia and the Philipines. Mindful also of the positive climate within ASEAN which was just launched in 1967, an understanding was reached in 1969 that in a sense both sides would temporarily set aside the question and maintain the status quo on the issue. The understanding, which was effected through an exchange of notes, mentioned that the negotiations and the agreement were purely and wholly of a technical nature. This would naturally mean that the negotiations held were not political and the issue was to be considered and settled at a later stage while both sides maintained the 1969 status quo.

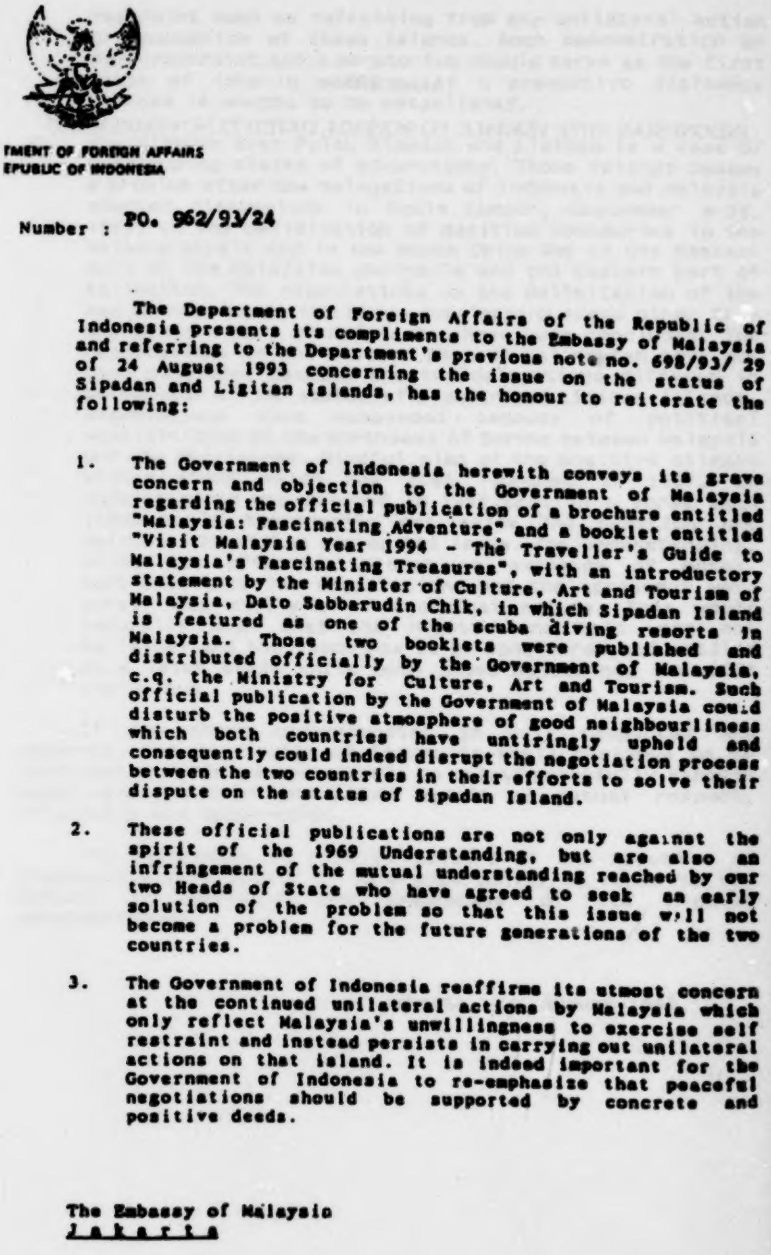
If the above understanding is well respected and observed, the Government of Indonesia shall continue to be confident that this dispute could be solved peacefully through negotiations within the ASEAN spirit of mutual respect, friendship and cooperation.

The Department of Foreign Affairs of the Republic of Indonesia avails itself of this opportunity to renew to the Embassy of Malaysia the assurances of its highest consideration.

Jakarta, 24 August 1993.

Annex 170

INDONESIAN *NOTE VERBALE*, PO 962/93/24, DATED 23 NOVEMBER 1993



TMENT OF FOREIGN AFFAIRS
EPUBLIC OF INDONESIA

Number : PO. 962/93/24

The Department of Foreign Affairs of the Republic of Indonesia presents its compliments to the Embassy of Malaysia and referring to the Department's previous note no. 698/93/ 29 of 24 August 1993 concerning the issue on the status of Sipadan and Ligitan Islands, has the honour to reiterate the following:

1. The Government of Indonesia herewith conveys its grave concern and objection to the Government of Malaysia regarding the official publication of a brochure entitled "Malaysia: Fascinating Adventure" and a booklet entitled "Visit Malaysia Year 1994 - The Traveller's Guide to Malaysia's Fascinating Treasures", with an introductory statement by the Minister of Culture, Art and Tourism of Malaysia, Dato Sabbarudin Chik, in which Sipadan Island is featured as one of the scuba diving resorts in Malaysia. Those two booklets were published and distributed officially by the Government of Malaysia, c.q. the Ministry for Culture, Art and Tourism. Such official publication by the Government of Malaysia could disturb the positive atmosphere of good neighbourliness which both countries have untiringly upheld and consequently could indeed disrupt the negotiation process between the two countries in their efforts to solve their dispute on the status of Sipadan Island.

2. These official publications are not only against the spirit of the 1969 Understanding, but are also an infringement of the mutual understanding reached by our two Heads of State who have agreed to seek an early solution of the problem so that this issue will not become a problem for the future generations of the two countries.

3. The Government of Indonesia reaffirms its utmost concern at the continued unilateral actions by Malaysia which only reflect Malaysia's unwillingness to exercise self restraint and instead persists in carrying out unilateral actions on that island. It is indeed important for the Government of Indonesia to re-emphasize that peaceful negotiations should be supported by concrete and positive deeds.

The Embassy of Malaysia
Jakarta

In this regard, the exercise of self-restraint by the two countries by refraining from unilateral action on Sipadan Island constitutes a prerequisite for the maintenance of a constructive dialogue between the two countries which subsequently could become a strong ground for further substantive negotiations.

4. For the sake of their common interests as well as for the maintenance of good relationship between the two countries, the Government of Indonesia wishes to reiterate its earnest appeal to the Government of Malaysia to refrain from any unilateral act and respect in good faith the 1969 status quo of Sipadan and Ligitan Islands. If both parties could observe and respect the understandings reached between the two countries, including the 1969 Understanding, the Government of Indonesia remains confident that the dispute on the status of Sipadan and Ligitan Islands could be peacefully solved through negotiations in the ASEAN spirit of mutual respect, friendship and cooperation.

The Department of Foreign Affairs of the Republic of Indonesia avails itself of this opportunity to renew to the Embassy of Malaysia the assurances of its highest considerations.

Jakarta, 23 November 1993

Annex 171

MALAYSIAN *NOTE VERBALE*, AT 1/94, DATED 3 JANUARY 1994

AT 1/94

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy, of the Republic of Indonesia and further to the Ministry's Note No. AT 41/93, has the honour to bring to the attention of the Embassy further acts of intrusion by Indonesian naval vessels and aircraft in Malaysia's territorial waters and airspace around Pulau Sipadan and Ligitan as described in ANNEX A.

The Government of Malaysia reiterates its grave concern over the continuing intrusions by Indonesian naval vessels and aircraft into Malaysian territorial waters and airspace around Sipadan and Ligitan. In recent months, the frequency of these intrusions has increased substantially and Malaysian enforcement agencies have reported several incidents of provocative acts by Indonesian naval vessels and aircraft against Malaysian naval vessels whilst in Malaysian territorial waters and airspace. These provocations if not checked, could give rise to untoward incidents on the ground.

The Government of Malaysia also recalls the agreement reached at the highest political level between Malaysia and Indonesia to resolve the issue of Sipadan and Ligitan in a peaceful and friendly way through negotiations. The intrusions by Indonesian naval vessels and aircraft are deliberate acts inconsistent with the said agreement and they cannot, in any way, advance Indonesia's claim over the two Malaysian islands.

In the spirit of neighbourly relations and in the interest of peace, stability and the security of the region, the Government of Malaysia urges the Government of Indonesia once again, to take appropriate measures to stop further intrusions into Malaysian territorial waters and airspace around Sipadan and Ligitan.

The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

Wisma Putra,
Kuala Lumpur.
3 January 1994

1. On 6 July, 1993 at 1015 hours, an Indonesian Coastal Patrol Craft bearing the registration POLRI 510 was sighted in Malaysian territorial waters southeast of Sipadan. The said vessel remained in the area until 1200 hours, 7 July, 1993.

2. On 13 July, 1993 at 0845 hours, an Indonesian naval vessel bearing the registration TNI-AL KAL MAHAKAM No. 331 was sighted at approximately 4.5 nautical miles west of Sipadan. The said vessel was seen towing a "sea boat". KAL MAHAKAM left Malaysian territorial waters at 1010 hours;

3. On 31 July, 1993 at 1055 hours, an Indonesian TNI-AL Maritime aircraft bearing the registration P 812 was sighted approaching Sipadan from the south. The said aircraft circled over Sipadan twice at low altitude before leaving Sipadan airspace at 1102 hours;

4. On 2 August, 1993 at 1030 hours, an Indonesian TNI-AL Maritime aircraft bearing the registration No.P 812 was again sighted flying over Sipadan from the easterly direction. The said aircraft circled over Sipadan twice before leaving Malaysian airspace at 1040 hours;

5. On 4 August, 1993 at 1000 hours, an Indonesian TNI-AL Maritime aircraft bearing the registration No. P 812 was again sighted flying over Sipadan twice before leaving Malaysian airspace at 1020 hours;

6. On 5 August, 1993 at 920 hours, an Indonesian TNI-AL Maritime aircraft bearing the registration No.P 812 was sighted approaching Sipadan from the west. The aircraft circled over Sipadan twice before leaving Malaysian airspace at 1000 hours;

7. On 13 August, 1993 at 1030 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI KERAPU was sighted at approximately 11 nautical miles southeast of Sipadan. The said vessel left Malaysian territorial waters at 1815 hours;

8. On 19 August, 1993 at 0740 hours, an unidentified Indonesian TNI-AL naval vessel was sighted at approximately 5.3 nautical miles northeast of Sipadan. The said vessel left the area when approached by a Malaysian naval vessel;

9. On 29 September, 1993 at 1105 hours, an unidentified Indonesian TNI-AL maritime aircraft was sighted flying at low altitude over Sipadan. Thereafter, the said aircraft proceeded to Ligitan before leaving Malaysian airspace 1115 hours;

10. On 30 September, 1993 at 0830 hour, an Indonesian naval frigate bearing the registration TNI-AL KRI KAREL SATSUITUBUN was sighted at approximately 12 nautical miles east of Ligitan. Thereafter, the said frigate proceeded to Sipadan and at 0915 hours, KRI KAREL SATSUITUBUN was approximately 4 nautical miles of said island. KRI KAREL SATSUITUBUN then circled Sipadan and remained in the area until 1115 hours. At 1320 hours, an Indonesian TNI-AL maritime aircraft bearing the registration No. P 811 was also sighted in the vicinity of Sipadan. The said aircraft left the area at 1330 hours;

11. On 8 October, 1993 at 1145 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI NALA No. 363 was sighted at approximately 8 nautical miles south of Sipadan. At 1330 hours the said vessel circled Sipadan from a distance approximately 1-2 nautical miles and left the area at 1600 hours;

12. On 19 October, 1993 at 1025 hours, an Indonesian TNI-AL maritime aircraft bearing the registration P 818 was sighted flying over Sipadan 4 times at low altitude of approximately 100 feet. The said aircraft also flew approximately 50 feet close to KD LEMBING, a Malaysian Naval vessel in the vicinity before

leaving Malaysian airspace at 1050 hours;

13. On 20 October, 1993 at 1400 hours, an Indonesian TNI-AL maritime aircraft bearing the registration No. P 812 was sighted approaching Sipadan. The said aircraft circled over Sipadan once at a low altitude approximately 100 feet. Thereafter, the said aircraft flew approximately 50 feet close to KD LEMBING, a Malaysian naval vessel in the vicinity before leaving Sipadan airspace at 1410 hours;

14. On 22 October, 1993 at 1030 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI TELUK BANTEN No. 516, accompanied by an unidentified Bell 412 SP, were sighted approximately 10 nautical miles west of Sipadan. The vessel left Malaysian territorial waters at 1300 hours but reentered at 1725 hours. The said vessel approached to approximately 6 nautical miles of Sipadan before leaving the area at 1935 hours;

15. On 25 October, 1993 at 1200 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI SAMADIKUN No. 341 was sighted at approximately 12 nautical miles south of Sipadan. The said vessel then approached and circled Sipadan twice from a distance approximately 1-1.5 nautical miles. At 1800 hours, KRI SAMADIKUN left the territorial waters of Sipadan;

16. On 27 October, 1993 at 1325 hours, KRI SAMADIKUN was again sighted at approximately 3.2 nautical miles southwest of Sipadan. Thereafter, the said vessel proceeded to Ligitan and approached to approximately 1.8 nautical miles of said island. When approached by KD SRI SABAH, a Malaysian naval vessel in the vicinity, KRI SAMADIKUN responded by conducting aggressive manoeuvre. The said Indonesian naval vessel left Malaysian territorial waters at 2113 hours;

17. On 28 October, 1993 at 0614 hours, KRI SAMADIKUN was again sighted at

approximately 3.8 nautical miles south of Sipadan, proceeding in the northerly direction. The said vessel remained in that area until 1715 hours;

18. On 30 October, 1993 at 1130 hours, KRI SAMADIKUN was sighted at 6 nautical miles west of Sipadan. It was accompanied by an unidentified Indonesian naval vessel believed to be a hydrographic survey vessel. At 1200 hours, both vessels proceeded towards Ligitan. At 1603 hours both vessels were again sighted at approximately 2 nautical miles east of Sipadan and left Malaysian territorial waters at 2030 hours;

19. On 7 November, 1993 at 0835 hours, an unidentified Indonesian Coastal Patrol Craft bearing Pennant No 622 was sighted at approximately 7.5 nautical miles south of Sipadan. The said vessel was escorting a fishing vessel. At 1235 hours, the said naval vessel left Malaysian territorial waters;

20 On 10 November, 1993 at 0711 hours, an unidentified Jet Foil or Large Fast Boat was sighted southwest of Sipadan. At 0912 hours, An Indonesian TNI-AL maritime aircraft bearing the registration P 812 was sighted at southwest of Sipadan flying at low altitude. The said aircraft left the area at 0945 hours;

21. On 12 November, 1993 at 0645 hours, four Indonesian naval vessels bearing the registration KRI AHMED YANI No.351, KRI MARTHA KRISTINA TIYAHAYU No. 331, KRI TELUK MANDAR No. 514 AND KRI NALA No. 363 were sighted moving in a formation at approximately 3.5 nautical miles south of Sipadan. The four vessels were accompanied by an unidentified helicopter. The vessels and helicopter left Malaysian territorial waters at 1100 hours. At 1240 hours, an Indonesian vessel bearing the registration BC 2005 was sighted west of Sipadan. The said vessel left the area when approached by KD GANAS, a Malaysian naval vessel in the vicinity;

22. On 15 November, 1993 at 1205 hours, an aircraft bearing the registration P 812

was sighted flying at low altitude, south of Sipadan. The said aircraft left the area at 1212 hours. At 1655 hours, three Indonesian naval vessels bearing the registration KRI AHMED YANI No. 351, KRI MARTHA KRISTINA TIYAHAYU No. 331 and KRI NALA No. 363 were sighted at approximately 9.6 nautical miles south of Sipadan moving in a formation. The three vessels left the area at 1720 hours;

23. On 16 November, 1993, an unidentified Indonesian naval vessel was sighted in Malaysian territorial waters off Tawau;

24 On 17 November, 1993 at 1616 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI SAMADIKUN No 341 was sighted at approximately 1.3 nautical miles southwest of Sipadan. The said vessel approached to approximately 3.5 cables of Sipadan. Thereafter, the vessel proceeded to approximately 3 nautical miles of Ligitan before leaving Malaysian territorial waters;

25. On 18 November, 1993 at 0600 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI SAMADIKUN was sighted at southwest of Sipadan. At 1045 hours, another Indonesian naval vessel bearing the registration TNI-AL KRI SURA No. 802 was sighted in the same vicinity. At 1213 hours, KRI SAMADIKUN left Malaysian territorial waters but KRI SURA remained in the area;

26. On 19 November, 1993 at 1444 hours, an Indonesian TNI-AL maritime aircraft bearing the registration P 812 was sighted in the vicinity of Sipadan. The said aircraft flew over KD SERANG, a Malaysian naval vessel in the vicinity three times before leaving Malaysian airspace. At 1302 hours, an Indonesian naval vessel bearing the registration KRI SURA No. 802 was sighted approximately west of Sipadan. The said vessel approached to approximately 2 nautical miles of Sipadan before leaving Malaysian territorial waters;

27. **On 20 November, 1993 at 1010 hours, two Indonesian naval vessels bearing the registration TNI-AL KAL MAHAKAM No. 1331 and TNI-AL KRI SURA were sighted at approximately 5 nautical miles south of Sipadan. KRI SURA left the area at 1245 hours while KAL MAHAKAM at 1610 hours;**

28. On 21 November, 1993 at 0852 hours, an Indonesian TNI-AL maritime aircraft bearing the registration P 812 was sighted circling over Sipadan. At 0901 hours, the said aircraft flew close to KD KASTURI, a Malaysian naval vessel in the vicinity twice at an altitude approximately 100 feet. At 0912 hours, the aircraft flew close to KD SERANG, another Malaysian naval vessel in the same vicinity twice at an altitude approximately 100 feet;

29 On 22 November, 1993 at 0701 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI SAMADIKUN No. 341 was sighted at approximately 4 nautical miles south of Sipadan. The said vessel circled Sipadan from a close distance of 5 cables. Thereafter, the said vessel proceeded to Ligitan before leaving the area at 1315 hours;

30. On 23 November,1993 at 1020 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI SAMADIKUN was sighted at south of Sipadan. The said vessel circled Sipadan before leaving Malaysian territorial waters at 1310 hours;

31. On 24 November, 1993 at 1930 hours, KRI SAMADIKUN was again sighted at approximately 2 nautical miles south of Sipadan. The said vessel circled Sipadan before leaving Malaysian territorial waters at 0200 hours;

32. On 25 November, 1993 at 1245 hours, an Indonesian Nomad Search Master bearing the registration P 816 was sighted approaching Sipadan from the west. The said aircraft circled over Sipadan several times before leaving Malaysian airspace at 1250 hours;

33. On 28 November, 1993, an Indonesian naval vessel bearing the registration TNI-AL KRI SURA No. 802 was sighted in the Malaysian territorial waters south of Sipadan. The said vessel left the area at 1230 hours;

34. On 1 December, 1993 at 1125 hours, an Indonesian naval vessel bearing the registration TNI-Al-KRI SAMADIKUN No. 341 was sighted south of Sipadan. The vessel approached to about 2 nautical miles of Sipadan and circled the said island. The vessel left Malaysian territorial waters at 1300 hours;

35. On 2 December, 1993 at 0800 hours, two Indonesian naval vessels bearing the registration TNI-AL KRI SATSUITUBUN No. 356 and TNI-AL KRI SAMADIKUN No. 341 were sighted at approximately 3 nautical miles north of Sipadan. Both vessels left the area at 1240 hours;

36. On 8 December, 1993 at 0915 hours, an Indonesian maritime aircraft bearing the registration P 802 was sighted approaching Sipadan from the west. The said aircraft circled over Sipadan twice at low altitude approximately 100 feet before leaving towards the direction of Ligitan;

37. On 14 December, 1993 at 1450 hours, an Indonesian naval vessel bearing the registration TNI-AL KRI SAMADIKUN was sighted at approximately 6 nautical miles east of Sipadan. The said naval vessel left the area when approached by a Malaysian naval vessel in the vicinity;

38. On 15 December, 1993 at 1415 hours, KRI SAMADIKUN was again sighted at approximately 10 nautical miles west of Sipadan. The said vessel approached Sipadan and circled the island from a distance of 3-4 nautical miles before leaving the area;

39. On 20 December, 1993 at 1340 hours, KRI SAMADIKUN was sighted at

approximately 5 nautical miles east of Sipadan. The said vessel left the area at 1415 hours,

40. On 22 December, 1993 at 1200 hours, KRI SAMADIKUN was again sighted at approximately 1.5 nautical miles north of Sipadan. Thereafter, the said vessel proceeded and apploached to approximately 2 nautical miles of Ligitan. KRI SAMADIKUN left the area at 1805 hours;

Annex 172

MALAYSIAN *NOTE VERBALE*, AT 2/94, DATED 3 JANUARY 1994

AT 2/94

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and with reference to Notes No. 698/93/29 and 962/93/29 dated 24 August, and 23 November, 1993 respectively from the Department of Foreign Affairs of the Republic of Indonesia, has the honour to state the following:

- The Government of Malaysia categorically rejects Indonesia's contention that the dispute over Sipadan and Ligitan is a case of overlapping claim of sovereignty. Sipadan and Ligitan are integral parts of the State of Sabah and Malaysia has exclusive sovereignty over them;

- The Government of Malaysia also reiterates the relevancy of the bases of its exclusive title and sovereignty over the two islands which have been clearly elaborated and substantiated in Malaysia's Memorandum entitled "Malaysia's Sovereignty over Pulau Ligitan and Pulau Sipadan" as well as in its previous notes on the matter. These bases are in accordance with the principles of international laws and practices. The documents that have been presented by Malaysia thus far have provided indisputable proofs of its exclusive title over the two islands. At the forthcoming meeting of the Malaysia-Indonesia Working Group on Sipadan and Ligitan, Malaysia will present further evidence of its exclusive title and sovereignty over Sipadan and Ligitan;

- Indonesia on the other hand has not presented any evidence of legal value to substantiate its claim to the two islands. The four documents it has produced during the First Meeting of the Working Group on Sipadan and Ligitan as well as the two documents in the "Reply of the Government of the Republic of Indonesia to the Memorandum of the Government of Malaysia on its Claim of Sovereignty over Pulau Sipadan and Ligitan" dated 5 February 1993, have no evidential value what so ever;

- The Government of Malaysia reiterates that since Sipadan and Ligitan are parts of Malaysia, any and all activities undertaken by Malaysia on or pertaining to those islands and their surrounding waters constitute legitimate exercise of its sovereignty and jurisdiction. The continuing acts of intrusion by Indonesian naval vessels and aircraft in Malaysia's territorial waters and airspace around Sipadan and Ligitan similarly cannot in any way, advance Indonesia's claim over the two islands; and

- The Government of Malaysia has adequately explained during the First Meeting of the Working Group on Sipadan and Ligitan as well as in its previous Notes, Malaysia's position on the so called 1969 understanding.

The above notwithstanding, the Government of Malaysia stands ready to continue the process of friendly consultations with the Government of Indonesia on the correctness and legitimacy of the bases upon which Malaysia has always proceeded and will continue to proceed in the exercise of Malaysia's sovereignty and jurisdiction over the two islands and their surrounding waters.

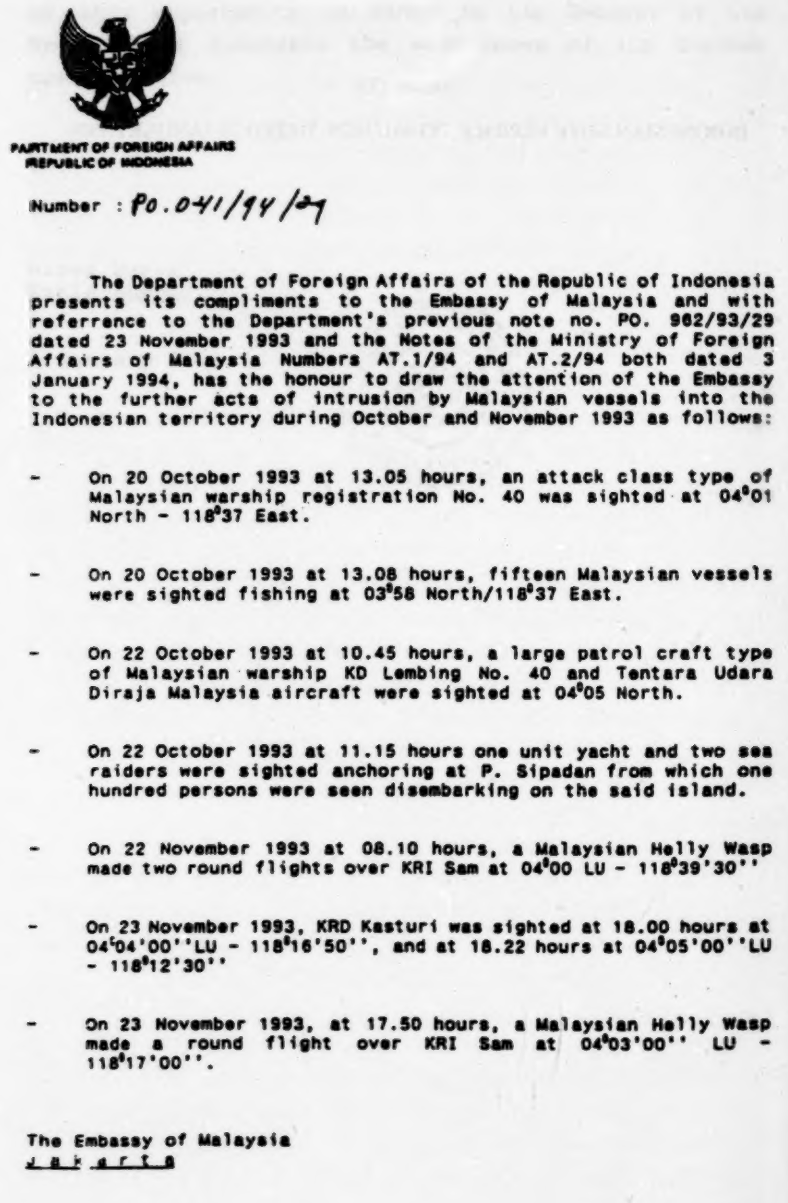
of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

Wisma Putra,
Kuala Lumpur.

3 January 1994

Annex 173

INDONESIAN *NOTE VERBALE*, PO 041/94/29, DATED 25 JANUARY 1994



DEPARTMENT OF FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

Number : PO.041/94/27

The Department of Foreign Affairs of the Republic of Indonesia presents its compliments to the Embassy of Malaysia and with referrance to the Department's previous note no. PO. 962/93/29 dated 23 November 1993 and the Notes of the Ministry of Foreign Affairs of Malaysia Numbers AT.1/94 and AT.2/94 both dated 3 January 1994, has the honour to draw the attention of the Embassy to the further acts of intrusion by Malaysian vessels into the Indonesian territory during October and November 1993 as follows:

- On 20 October 1993 at 13.05 hours, an attack class type of Malaysian warship registration No. 40 was sighted at 04°01 North - 118°37 East.
- On 20 October 1993 at 13.08 hours, fifteen Malaysian vessels were sighted fishing at 03°58 North/118°37 East.
- On 22 October 1993 at 10.45 hours, a large patrol craft type of Malaysian warship KD Lembing No. 40 and Tentara Udara Diraja Malaysia aircraft were sighted at 04°05 North.
- On 22 October 1993 at 11.15 hours one unit yacht and two sea raiders were sighted anchoring at P. Sipadan from which one hundred persons were seen disembarking on the said island.
- On 22 November 1993 at 08.10 hours, a Malaysian Helly Wasp made two round flights over KRI Sam at 04°00 LU - 118°39'30''
- On 23 November 1993, KRD Kasturi was sighted at 18.00 hours at 04°04'00''LU - 118°16'50'', and at 18.22 hours at 04°05'00''LU - 118°12'30''
- On 23 November 1993, at 17.50 hours, a Malaysian Helly Wasp made a round flight over KRI Sam at 04°03'00'' LU - 118°17'00''.

The Embassy of Malaysia
Jakarta

The Government of Indonesia further expresses its grave concern over such continuing unilateral acts, occupation and other forms of intrusions by Malaysian vessels and aircraft by passing beyond the parallel line 4°10' North Latitude. Such actions obviously violated the understanding reached by the two Heads of States in their meeting in Yogyakarta in 1988, in Singapore in 1992 and in Langkawi in 1993 to the extend that the status of those islands is to be negotiated and settled through diplomatic channels and that both sides should refrain from taking measures which could undermine the close relation between the two countries.

Moreover the Department of Foreign Affairs of the Republic of Indonesia also noted with concern that instead of showing its self-restraint, Malaysia has increased its provocative activities such as the official publication of tourism booklets on Sipadan, the installation of a radar station in Bukit Putri, the deployment of Bill Polis troops in the islands of Sampurna District, the conduct of military exercises around those islands and the deployment of two Diraja Malaysia warships from West Malaysia into Sampurna waters. Being fully aware that the latter activities were conducted within' its territory, these are however againts the efforts made in bringing about a constructive atmosphere for substantive negotiations on the status of Sipadan and Ligitan islands. Consequently, such activities would only disturb the bilateral relations between Malaysia and Indonesia and eventually impede the negotiation. Both side should therefore demonstrate its good faith and political will by refraining from any act that could undermine the atmosphere of negotiation and at the same time by fully adhering to the 1969 Understanding.

The Department of Foreign Affairs of the Republic of Indonesia avails itself of this opportunity to renew to the Embassy of Malaysia the assurances of its highest consideration.

Jakarta, January 25, 1994

Annex 174

MALAYSIAN *NOTE VERBALE*, AT 13/94, DATED 22 FEBRUARY 1994

AT 13/94

The Ministry of Foreign Affairs, Malaysia presents its compliments to the Embassy of the Republic of Indonesia and with reference to Note No. PO.041/94/29 dated 25 January, 1994 from the Department of Foreign Affairs of the Republic of Indonesia, has the honour to state the following:

- The Government of Malaysia categorically rejects the contention in the above mentioned Note that Malaysian naval vessels and aircraft have intruded into Indonesian territory. On the contrary, the description of their locations as stated in the Note clearly confirmed that at the material time, those vessels and aircraft were within Malaysian territorial waters and airspace in the vicinity of the Malaysian islands of Sipadan and Ligitan;

- The Government of Malaysia wishes to state that any and all activities undertaken by Malaysia in its territory, including activities on or pertaining to Sipadan and Ligitan and their surrounding waters, are legitimate exercise of its sovereignty and jurisdiction. Malaysia does not view its action in this regard as violating any previous agreement between our two heads of Government to resolve the issue of Indonesia's claim to Sipadan and Ligitan peacefully through diplomatic negotiations. On the contrary, Malaysia has amply demonstrated its readiness to do so by agreeing to the establishment of a Joint Working Group on Sipadan and Ligitan to specifically discuss that issue;

- To date, two meetings of the Joint Working Group on Sipadan and Ligitan had been held, namely on 6-7 July 1992 in Jakarta and on 26-28 January 1994 in Kuala Lumpur. At those meetings, Malaysia had presented to the Indonesian Delegation, its legal positions supported by conclusive documentary evidence to substantiate its exclusive title and sovereignty over the two islands; and

- The Government of Malaysia expresses the hope that the Government of Indonesia, in the same spirit of neighbourly cooperation for an expeditious resolution of the issue, would take genuine steps to stop further intrusion of Indonesian naval vessels and aircraft into Malaysian territorial waters and airspace around Sipadan and Ligitan.

The above notwithstanding, the Government of Malaysia stands ready to continue the process of friendly discussions with the Government of Indonesia to clarify the bases upon which Malaysia has always proceeded and will continue to proceed in the exercise of Malaysia's sovereignty and jurisdiction over the two islands and their surrounding waters.

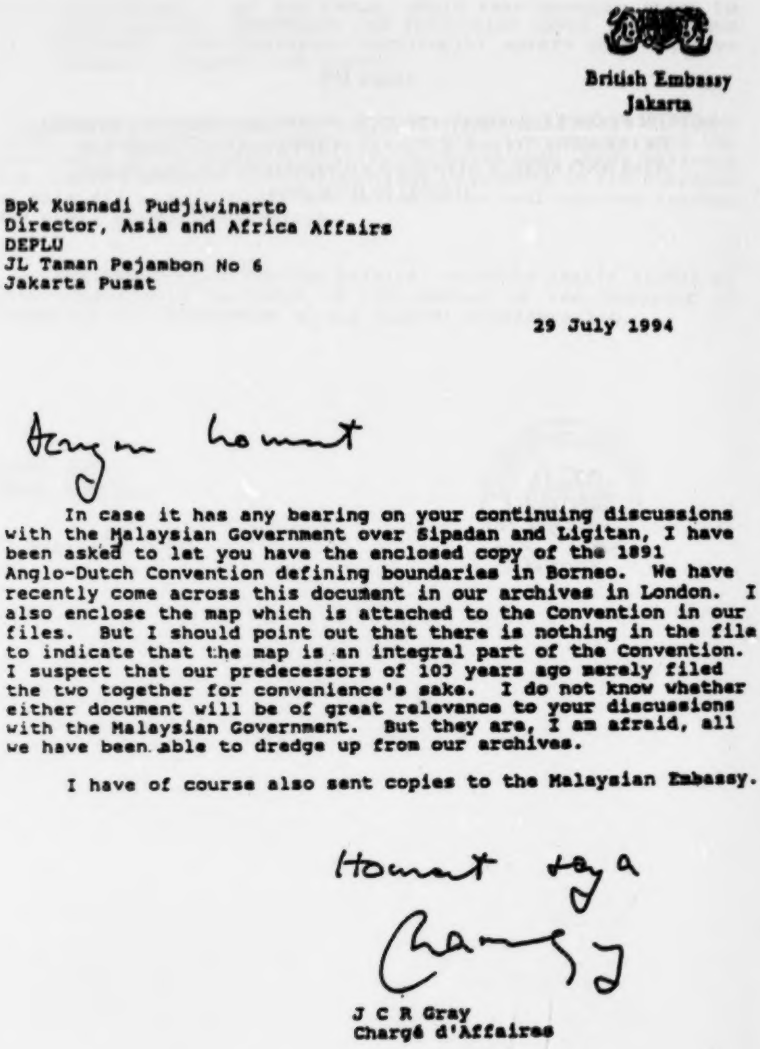
The Ministry of Foreign Affairs, Malaysia avails itself of this opportunity to renew to the Embassy of the Republic of Indonesia the assurances of its highest consideration.

WISMA PUTRA,
KUALA LUMPUR.

22 Februari, 1994

Annex 175

LETTER FROM J.C.R. GRAY, CHARGÉ D'AFFAIRES, BRITISH EMBASSY IN JAKARTA, TO BPK KUSNADI PUDJIWINARTO, DIRECTOR, ASIA AND AFRICA AFFAIRS [GOVERNMENT OF INDONESIA] DATED 29 JULY 1994



British Embassy
Jakarta

Bpk Kusnadi Pudjiwinarto
Director, Asia and Africa Affairs
DEPLU
JL Taman Pejambon No 6
Jakarta Pusat

29 July 1994

Dengan hormat

In case it has any bearing on your continuing discussions with the Malaysian Government over Sipadan and Ligitan, I have been asked to let you have the enclosed copy of the 1891 Anglo-Dutch Convention defining boundaries in Borneo. We have recently come across this document in our archives in London. I also enclose the map which is attached to the Convention in our files. But I should point out that there is nothing in the file to indicate that the map is an integral part of the Convention. I suspect that our predecessors of 103 years ago merely filed the two together for convenience's sake. I do not know whether either document will be of great relevance to your discussions with the Malaysian Government. But they are, I am afraid, all we have been able to dredge up from our archives.

I have of course also sent copies to the Malaysian Embassy.

Hormat saya

J C R Gray
Chargé d'Affaires

Annex 176

INDONESIAN *NOTE VERBALE*, 503/94/29, DATED 6 SEPTEMBER 1994

ENT OF FOREIGN AFFAIRS
UBLIC OF INDONESIA

Unofficial translation

Number : PO 503 /94/29

The Department of Foreign Affairs of the Republic of Indonesia presents its compliments to the Embassy of Malaysia and with reference to the Department's previous note number PO. 196/94/29 of April 11, 1994, has the honour to draw the attention of the Embassy to Malaysia's escalation of illegal activities in Pulau Sipadan and Ligitan as well as in the surrounding sea in the form of deployment of armed forces on Pulau Sipadan, the continuation of tourist promotions on Pulau Sipadan as well as the series of intrusions by Malaysian Government vessels and aircrafts in the Indonesian territory South of the parallel 4°10' North latitude during the period as of January 1994 up to the present as noted in the attachment of this note.

The Government of the Republic of Indonesia has further the honour to express its grave concern and objection to such continuation of illegal activities which violates the principles of international law, Indonesia's sovereignty and territorial integrity. These continued illegal activities clearly do not reflect any respect to the *status quo* as mutually agreed upon by both countries in the 1969 understanding. Besides, such activities shall not be conducive to the efforts to creating a positive climate for the continuation of the process of negotiation to reach a peaceful settlement on the dispute on Pulau Sipadan and Ligitan.

The Embassy of Malaysia
Jakarta

Such escalation of illegal activities are also inconsistent with the statement made by the Head of the Malaysian delegation at the press conference held after the closing of the Second Joint Working Group meeting in January 1994, in Kuala Lumpur, to the extend that Malaysia will cease the development activities in Pulau Sipadan and Ligitan.

The Government of the Republic of Indonesia is fully confident, however, that the dispute over P. Sipadan-Ligitan could be solved with the required political will and by continued refrain from both side from any activities that will only worsen the situation, while at the same time by adhering faithfully to the 1969 Understanding.

The Department of Foreign Affairs of the Republic of Indonesia avails itself of this opportunity to renew to the Embassy its highest considerations.

Jakarta, 6 September 1994

LIST OF INTRUSIONS
TO THE INDONESIAN MARITIME TERRITORY
BY THE MALAYSIAN VESSELS
JANUARY - JUNE 1994

1. On January 3, 1994, at 09.44, Malaysian vessel KD Sri Sabah-3144 was detected at 04° 06' North Latitude (NL) and 118° 32' East Longitude (EL)

2. On January 3, 1994, at 10.05, a Bell/Jet-Ranger helicopter from Sabah Air Pos Pantai Timur company was detected over Pulau Sipadan

3. On January 4, 1994, between 08.50 - 10.00. Malaysian vessel KD Jerong-49 was detected at 04° 10' NL and 18° 02' EL and at 04° 06' NL and 118° 06' EL

4. On January 6, 1994, at 10.15, Malaysian vessel KD Sri Sabah-3144 was detected at 04° 05' NL and 118° 38' EL

5. On January 8, 1994, at 09.40, Malaysian vessel KD Sri Sabah-3144 was detected at 04° 05' NL and 118° 30' EL

6. On January 8, 1994, at 09.51, a Malaysian MER-CGD was detected at 04° 02 NL and 118° 48' EL

7. On January 10, 1994, at 09.40 Malaysian vessel KD Sri Sabah-3144 was detected at 04° 06' NL and 118° 40' EL entering Indonesian territory

8. On January 11, 1994, at 09.45, Malaysian vessel KD Sri Sabah-3144 was detected at 04° 05' NL and 118° 32' EL

9. On January 12, 1994, at 14.00, Malaysian vessel KD Sri Johor-49 was detected patrolling in Indonesian territory at 04° 01' NL and 118° 21' EL

10. On January 13, 1994, at 08.30, Indonesian vessel Tongko. detected Malaysian vessel KD Sri Johor-49 at 04° 05' NL and 118° 39' EL

11. On January 13, 1994, at 09.50, Malaysian vessel KD Sri Sabah-3144 was detected at 04° 05' NL and 118° 20' EL in the Indonesian territory

12. On January 13, 1994, at 08.30, Indonesian vessel Tongkol detected a white Malaysian Bell helicopter at 04° 08' NL and 118° 38' EL landing in Pulau Sipadan.

13. On January 13, 1994, at 08.30, Malaysian vessel KD Sri Johor-49 was seen at 04° 03' NL and 118° 39' EL in the Indonesian territory

14. On January 13, 1994, at 09.50, a Malaysian vessel KD Sri Sabah-3144 was seen at 04° 05' NL and 118° 39' EL entering Indonesian territory

15. On January 14, 1994, at 10.32 Malaysian vessel KD Sri Johor-49 was detected at 04° 03' NL and 118° 30' EL manoeuvering in the Indonesia territory

16. On January 14, 1994, at 10.48 Malaysian vessel KD Sri Sabah-3144 was detected at 04° 06 NL and 118° 26' EL in the Indonesia territory

17. On January 15, 1994, at 09.07 Malaysian vessel KD Sri Sabah-3144 was detected at 04° 06' NL and 118° 30' EL hovering in the Indonesian territory

18. On January 17, 1994, at 10.02 Malaysian vessel KD Sri Sabah-3144 was detected at 04° 06' NL and 118° 32' EL

19. On January 18, 1994, at 08.30 Malaysian vessel KD Sri Lembing was detected at 04° 05' NL and 118° 05' EL in the Indonesia territory

20. On January 20, 1994, at 09.42 Malaysian vessel KD Sri Sabah-3144 was detected at 04° 05' NL and 118° 32' EL in the Indonesian territory

21. On January 22, 1994, at 07.30 Malaysian Spica Class type of TLDM vessel was detected around Pulau Sipadan

22. On January 23, 1994, at 07.50 Malaysian vessel KD Sri Sabah-3144 was detected entered Indonesian territory in the southern part of Pulau Sipadan waters.

23. On January 24, 1994, at 16.20 Malaysian vessel KD Sri Sabah-3144 was detected patrolling at 04° 07' NL and 118° 32' EL entering Indonesian territory

24. On January 25, 1994, at 12.35 Malaysian vessel KD Sri Sabah-3144 was detected patrolling at 04° 02' NL and 118° 52' EL in the Indonesian territory

25. On February 5, 1994, at 07.40 Malaysian vessel KD Sri Jerong-49 was detected patroling at 04° 08' NL and 118° 43' EL

26. On February 10, 1994, at 15.00 a Malaysian vessel KD Lembing-40 was detected patrolling at 04° 08 NL and 118° 31' EL

27. On February 15, 1994, at 09.32 a Malaysian vessel KD Sri Sabah-3144 was detected patroling at 04° 06' NL and 118° 32' EL

28. On February 16, 1994, at 07.50 Malaysian survey type vessel Spirit of Borneo was detected at 04° 09' NL and 118° 38' EL lowering 2 rowing-boats heading to Pulau Sipadan. Was also detected 8 men are diving

29. On February 16, 1994, at 14.20 a Malaysian vessel KD Malaysia was detected patrolling at 04° 07' NL and 118° 36' EL

30. On February 18, 1994, at 18.00 Indonesian vessel Keris detected 12 Malaysian power boat were anchored in the south beach of Pulau Sipadan

31. On February 19, 1994, at 08.05 Malaysian vessel KD Sri Sabah-3144 was detected patrolling at 04° 06' NL and 118° 40' EL

32. On February 20, 1994, at 09,29 Indonesian vessel Keris made contact with Malaysian vessel KD Sri Sabah-3144 at 04° 07' NL and 118° 47' EL

33. On February 22, 1994, at 09.30 Indonesian vessel Tongkol made contact with Malaysian vessel KD Rentaka-36 at 04° 09' NL and 118° 19' EL

34. On February 23, 1994, at 10.00 Indonesian vessel Tongkol made contact with Malaysian vessel KD Rentaka-36 at 04° 09' NL and 118° 20' EL which is anchoring and examining Indonesian vessel KRI JLN conducting a survey in Alert Rock

35. On February 24, 1994, at 15.45 Indonesian vessel Keris made contact with Malaysian vessels KD Rentaka-36 and KD Sri Sabah-3144 at 04° 09' NL and 118° 15' EL

36. On February 26, 1994, at 19.00 Indonesian vessel Keris made contact with Malaysian vessel KD Sri Sabah-3144 at 04° 09' NL and 118° 15' EL anchoring in Alert Rock

37. On February 27, 1994, at 19.00 Indonesian vessel Keris detected Malaysian vessel KD Sri Sabah still anchoring in Alert Rock water.

38. On February 28, 1994, at 13.15 Indonesian vessel Keris detected Malaysian vessel KD Rentaka-46 anchoring in the Alert Rock water.

39. On March 1, 1994, at 10.30 Indonesian vessel Keris made contact with Malaysian vessels KD Rentaka-48 and KD Marikh-161 at 04° 09' NL and 118° 15' EL and at 04° 05' NL and 118° 04' EL both are patrolling at Alert and Roach rocks

40. On March 1, 1994, at 13.00 Indonesian vessel Tongkol made contact with Malaysian vessels KD Rentaka, KD Sri Sabah and KD Marikh anchoring at 04° 09' NL and 118° 15' EL

41. On March 2, 1994, at 07.00 Indonesian vessel Keris detected Malaysian vessels KD Marikh-161, KD Barung-3509 and KD Pari-3510 anchoring at 04° 10' NL and 118° 15' EL.

42. On March 3, 1994, at 07.00 Indonesian vessel Arum made contact with Malaysian vessel KD Pari-3510 patrolling at 04° 02' NL and 118° 37' EL.

43. On March 4, 1994, at 11.30 Indonesian vessel Keris detected Malaysian vessels KD Yu-3508 and KD Marikh-161 anchoring at 04° 03' NL and 118° 39' EL

44. On March 5, 1994, at 13.00 Indonesian vessel Tongkol detected Malaysian vessel KD Yu-3508 anchoring at 04° 07' NL and 118° 19' EL

45. On March 6, 1994, at 07.15 Indonesian vessel Tongkol detected Malaysian vessel KD Yu still anchoring at the same position

46. On March 7, 1994, at 16.45 Indonesian vessel Tongkol made contact with Malaysian vessel KD Pari anchoring at 04° 07' NL and 118° 17' EL

47. On March 8, 1994, at 03.00 Indonesian vessel Keris made contact with Malaysian vessel KD Pari-3510 anchoring at 04° 07'NL and 118° 17' EL

48. On March 10, 1994, at 07.30 Indonesian vessel Keris made contact with Malaysian vessel KD Pari-3510 anchoring at 04° 08' NL and 118° 35' EL

49. On March 10, 1994, at 08.00 Indonesian vessel Tongkol made contact with Malaysian vessel KD Marikh-161 at 04° 11' NL and 118° 04' EL

50. On March 12, 1994, at 08.25 Indonesian vessel Keris made contact with Malaysian white and grey Bell Helicopter 04° 07' NL and 118° 07' EL and fly across Pulau Sipadan

51. On March 29, 1994, at 10.20 Indonesia surveillance aircraft detected 3 Malaysian power boats floating in the south part of Pulau Sipadan water while some men are diving. In the north part of the Pulau Sipadan water the aircraft detected also 2 speed boats (Smart-1 and Smart-2) which are anchoring.

52. On March 31, 1994, at 12.40 Malaysian vessel KD Rencong-38 was detected at 05° 05' NL and 118° 06' EL heading to Pulau Sipadan

53. On May 16, 1994, at 10.40 Indonesian surveillance aircraft Keris detected a Malaysian speed boat at 04° 09' NL and 118° 34' EL heading Pulau Sipadan

54. On May 28, 1994, at 11.27 Indonesian surveillance aircraft detected a Malaysian patrolling vessel No. 16 PC 32 hovering in the northern part of Pulau Sipadan at 04° 07' NL and 118° 38' EL while some speed boats are disembarking foreign tourists.

55. On May 30, 1994, at 12.30 Indonesian surveillance aircraft detected Malaysian patrolling vessel no. 16 PC 32 manoeuvering at 04° 07' NL and 118° 37' EL

56. On June 6, 1994, at 09.17 Indonesian surveillance aircraft detected Malaysian vessel KD Sri Malaka-3147 manoeuvering at 04° 04' NL and 118° 37' EL

57. On June 9, 1994, at 11.27 Indonesian vessel Ajak made contact with Malaysian vessel KD Sri Malaka-3147 patrolling at 04° 04' NL and 118° 38' EL

58. On June 9, 1994, at 10.50 Indonesian surveillance aircraft detected Malaysian vessel KD Sri Malaka-3147 at 04° 08' NL and 118° 27' EL

59. On June 11, 1994, at 09.18 Indonesian surveillance aircraft detected Malaysian vessel KD Sri Malaka-3147 at 04° 07' NL and 118° 36' EL

60. On June 29, 1994, at 20.30 Indonesian vessel Rencong made contact with Malaysian hercules at 04° 03' NL and 118° 58' EL and at the 1,000 feet height east of Pulau Sipadan

61. On June 30, 1994, at 09.45 Indonesian vessel Rencong made contact with Malaysian vessel KD Handalan-3511 at 04° 03' NL and 118° 38' EL

Annex 177

BUSINESS TIMES, 15 DECEMBER 1994, "38 MARINE PARKS GAZETTED" BY MARY ZACHARIAH

15/12/94 MALAYSIA: 38 MARINE PARKS GAZETTED.

By Mary Zachariah.

THE Establishment of Marine Parks Malaysia Order 1994 comes into force today with 35 islands off the coast of Peninsular Malaysia and three off Labuan gazetted as marine parks.

The limit of the marine park is two nautical miles seaward from the outermost points of each island as measured at low water mark. The exception is the marine park at Pulau Kapas in Terengganu which is one nautical mile from the outermost points of the island.

"The Enforcement Division of the Fisheries Department will now have more clout in ensuring that individuals that carry out prohibited activities are prosecuted," Fisheries Department Officer Ahmad Sani Ahmad Shukor said in Kuala Lumpur yesterday.

Among activities prohibited in the marine parks are collection of corals, fish, molluscs, spear fishing, anchoring of boats on coral reefs, and carrying or using weapons that endanger aquatic life.

"The Fisheries Department is also in the process of drafting regulations which aims to control activities in the marine parks that are permitted like scuba diving, snorkelling and boat operations," said Ahmad Sani after a Malaysian Institute of Maritime Affairs talk on Marine Tourism Potentials of Marine Parks in Malaysia.

He stressed the importance of monitoring all the activities in the area to safeguard the marine ecosystem.

The Fisheries Department, which was given the responsibility of managing marine parks in 1985, had said that 50% of the coral reefs in the country had been destroyed over the past two decades.

The main purpose of establishing marine parks in Malaysia is to conserve and protect the corals and other marine flora and fauna in the water surrounding these islands.

Experts estimate that 40 to 50% of salt water fish caught in Malaysian waters breed in coral reefs. As such, it is important to protect and conserve the coral system to ensure continual supply of fish for consumption.

Bernama reports: Environmental groups have given the Government that rare pat on the back for the setting up of 38 marine parks in the country.

However, some reservations are already surfacing on the promotion of eco-tourism at these parks.

"Lack of administrative communications between the three relevant agencies - the State Government, Department of Environment and the regulatory body, the Fisheries Department - has raised doubts as to whether conservation and tourism could go hand in hand," Environmental Protection Society of Malaysia's Adviser Gurmit Singh said in Kuala Lumpur yesterday.

He said unless these three parties put their heads together to ensure that the fragile national heritage of the marine parks is not damaged or destroyed, the eco-tourism the Government is promoting will bear negative results.

He said that insufficient research had been done to ensure the carrying capacity of each marine park to house tourists, the mechanism to treat sewage and waste water and the appropriate feeds for the fishes by the tourists.

"The move to gazette the parks will be meaningless if the protection of the marine life by the Fisheries Department is not executed," he sa id.

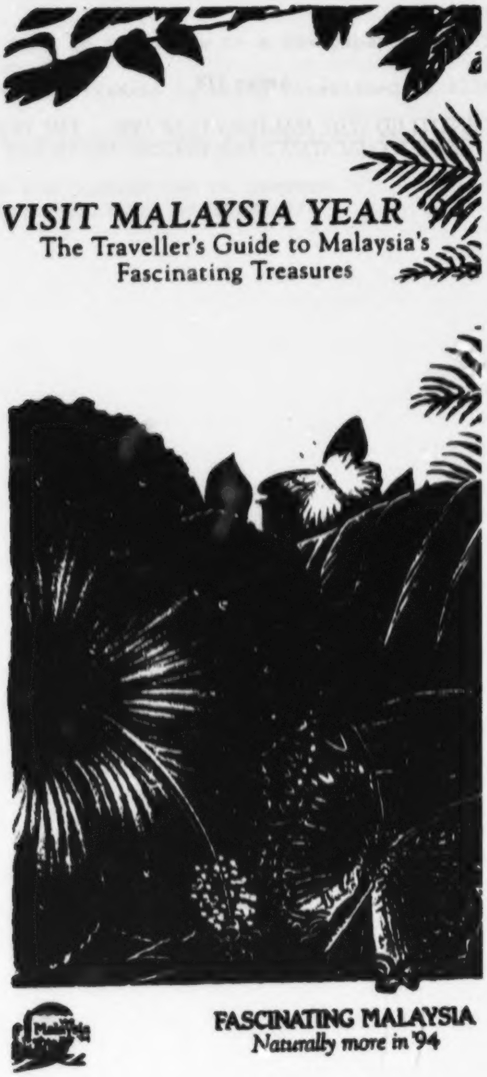
Gurmit said this in reference to a newspaper report yesterday that the Pulau Payar marine park (Kedah) is being threatened by illegal coral pinching.

Environmental scientists Sarala Aikanathan said that a balance between conservation and tourism can be reached.

BUSINESS TIMES (MALAYSIA) 15/12/94 P3

Annex 178

BOOKLET ENTITLED *VISIT MALAYSIA YEAR 1994 – THE TRAVELLER'S GUIDE TO MALAYSIA'S FASCINATING TREASURES*



VISIT MALAYSIA YEAR '94

The Traveller's Guide to Malaysia's Fascinating Treasures

FASCINATING MALAYSIA

Naturally more in '94

Just 55 km from Kuala Terengganu is Kenyir Dam. An angler's paradise, the dam covers about 36,900 hectares with over 200 man-made islands. The surrounding jungle area is also ideal for trekking and nature walks.

In Pahang, visit Taman Negara (The National Park), a 130-million-year-old wonder. More than 100 species of plants can be found in one acre of rainforest.

What's more, wild animals can be observed from hides overlooking salt licks. These include tapirs, barking deer, wild boars and sambars. And for the more adventurous, the meandering rivers offer excellent sport.

Pahang also has the best hill resorts; Cameron Highlands, Genting Highlands and Fraser's Hill. They are wonderfully refreshing and are immensely popular on weekends and public holidays.

And when it comes to culture, there's no place like Kelantan. To many, it is the cradle of Malay culture. Traditional art, theatrical performances and even their way of life have remained relatively unchanged.

Or perhaps you'd prefer to journey to Sabah on the island of Borneo, where Mt Kinabalu, Malaysia's highest peak, awaits. Some 800 types of orchids can be found in Kinabalu Park.

One of the best diving sites in South-East Asia can be found here. [redacted]

Then hop over to Sarawak and explore Mulu Caves. The world's largest cavity can be found here; it is large enough to hold seven Boeing 747s. All in all, Malaysia has something for everyone.

Annex 179

REPORTS OF ELECTRICAL BATTERY BUOY MAINTENANCE, PRODUCED BY THE DEPARTMENT OF TRANSPORTATION, TARAKAN, DATED 20 MARCH 1995, 23 FEBRUARY 1995, 31 MAY 1996, 27 JUNE 1997, 14 MARCH 1998

Department of Transportation
General Director of Sea Transportation
Navigation District Class. II Tarakan

REPORT OF ELECTRICAL BATTERY BUOY MAINTENANCE

1. No. DSI (Indonesian Lighthouse List): 5313 Location: Alert Reef
   Position: 04°-09'-33"U/118°-15'51"T
2. Colour of light: White. DSI period:
3. Type of electric lamp no................. Type/size: LBEA 85. Trademark: Aga
4. Date of visit: 20-03-1995 by P-3 officer Stateship(KN): Mithuna
5. Date of prior visit: 21-02-1995 by P-3 officer Stateship(KN) Mithuna
6. Flasher number: - Type: Elce 12. Trademark: Pharos
7. Solar switch: available. Type: LDR. Trademark: Tideland
8. Power of sources: Solar cell. No. R001622;R001891. Type: - Trademark: Tideland
   Quantity: 1 set. Voltage: 12V. Capacity:.....A/hour
9. Total of installed lamp: 1 item. Type/trademark: Filament ganda W/A: 10,3V-10W
10. Date of lamp changes: 20-03-1995 Quantity: 1 item
11. Lamp light before mqintenqnce: off. Period:-
12. Lamp light after maintenance: on. Period: 6(0,4T-0,86G)+2T-5,8G
13. Total battery connected: 1 item, whole capacity: 100 A/hour. Voltage: 12 volt.
    Average weight: - Type of battery: primary/secondary*)
    trademark: Yuasa. Used since: -
14. Total battery after maintenance: 1 item, whole capacity: 100A/hour.
    Type of battery primary/secondary*) Trademark: Yuasa. Voltage: 12 V
    Average weight:-
15. Use of power in 24 hour: - Battery power supply available for: day(until:.........
with/without*) solar switch.
16. Type of Navigation tools visited:
    a. Buoy
       Form: bergaun. Colour: Kuning hitam. Type: G/56
       Medium: 2300 mm, height: [illegible],65 m, weight: 4 tonnage.
       Peak sign:- noon sign: -
    b. Rambu suar
       Colour........... height:........ foundation: ....
       Peak sign:........ afternoon sign:................
17. Determination procedure of buoy position:
    a. Procedure to determine buoy position (describe)
       Gps. determine supposed position
          Match with local map (WGS 72)
          position taken was average 4 times
    b. Acquired position: 04°-09'-33"U/118°-15'-51"T Sea map no. 59
       ARP(depth): 9,5 meters
    c. Is buoy position correct with position on map and DSI (Indonesian Lighthoses List)?
       Explain course differentiation and distance: Correct

18. Describe maintenance work achieved: Pelsu and anchor were taken to deck, change it with new pelsu include lamp lens and its machine from Samarinda. Solar cell and anchor still use the old one.

19. Tools of anchor:

- **a. Spruit (cagak chain) lenght and size: ø32 mm = 2×4,5 meter**
- **b. Voorlop (pelopor chain) lenght and size:**
- **c. Swivel/wartell (kili-kili) size and quantity: ø32 mm = 1 item**
- **d. Joiningshackle (segel penyambung) size and quantity: ø32 mm = 6 items**
- **e. Chain lenght and size: ø32 mm = 1 stap**
- **f. Sinker (ballast) lenght and size: 2×1000kg iron ballast**

20. Use of materials:

- **a. Materials used for maintenance:**
  - **pelsu 1 unit complete with reflector radar**
    - **2 black cone**
    - **relling**
    - **opstand**
    - **lamp and it machine merk LBEA 85 Flaser Elce 12**
    - **Battery 12V-100AH**
    - **b. Anchor materials changing: -**
- **c. Lamp changing:**
  - **Previous lamp data:**
  - **Damage category:**

21. Buoy condition after maintenance: good

22. Suggestion for next maintenance: -

Samarinda, 20 Maret 1995

Acknowledge:	Report:	**Officer**
Kadisnav Class II Tarakan	**Captain KN Mithuna**	**SBNP**
Muryadi Mian		**M. Tamzis**
Nip. 120044850	**Nip. 120116478**	**Nip. 120147721**

Department of Transportation
General Director of Sea Transportation
Navigation District Class. II Tarakan

REPORT OF ELECTRICAL BATTERY BUOY MAINTENANCE

1. No. DSI (Indonesian Lighthouse List): 5313 Location: Alert Reef
   Position: 04°-09'-33"U/118°-15'51"T
2. Colour of light: White. DSI period: -
3. Type of electric lamp no................. Type/size: LBEA 85. Trademark: Aga
4. Date of visit: 21-02-1995 by P-3 officer Stateship(KN): Mithuna
5. Date of prior visit: 21-06-1994 by P-3 officer Stateship(KN) Mithuna
6. Flasher number: - Type: Elce 12. Trademark: Pharos
7. Solar switch: available. Type: LDR. Trademark: Pharos
8. Power of sources: Solar cell. No. R.001854; R.0018912595. Type: - Trademark: Tideland
   Quantity: 1 set. Voltage: 12V. Capacity:....A/hour
9. Total of installed lamp: 1 item. Type/trademark: Fting ganda W/A: 10,3V-10W.
10. Date of lamp changes: - Quantity: -
11. Lamp light before maintenance: off. Period:-
12. Lamp light after maintenance: off. Period:
13. Total battery connected: 1 item, whole capacity: - A/hour. Voltage: - volt.
    Average weight: - Type of battery: primary/secondary*)
    trademark: - Used since: -
14. Total battery after maintenance: - whole capacity: - A/hour.
    Type of battery primary/secondary*) Trademark: - Voltage: - V
    Average weight:-
15. Use of power in 24 hour: - Battery power supply available for: day(until:.........
with/without*) solar switch.
16. Type of Navigation tools visited:
    a. Buoy
       Form: bergaun. Colour: Kuning hitam. Type: Aga 25 B
       Medium: 2300 mm, height: 6,56 m, weight: 4 tonnage.
       Peak sign: 2 balck cone, peak on the bottom. noon sign: -
    b. Rambu suar
       Colour:.......... height:........ foundation: ....
       Peak sign:........ afternoon sign:..............
17. Determination procedure of buoy position:
    a. Procedure to determine buoy position (describe)
       Gps. determine supposed position
          Match with local map (WGS 72)
          Position taken was medium position
    b. Acquired position: 04°-09'-33"U/118°-15'-51"T Sea map no. 59
       ARP(depth): 9,5 meters
    c. Is buoy position correct with position on map and DSI (Indonesian Lighthoses List)?
       Explain course differentiation and distance: Correct
18. Describe maintenance work achieved: Pelsu and anchor were taken to deck for reparation, it

was painted with AC-Af, damage lamp and it machine taken to Samarinda (flaser damage caused by sea water) and place pelsu on its position

19. Tools of buoy anchor:
    - a. Spruit (cagak chain) lenght and size: ø32 mm = 2×4,5 meter
    - b. Voorlop (pelopor chain) lenght and size:
    - c. Swivel/wartell (kili-kili) size and quantity: ø32 mm = 1 item
    - d. Joiningshackle (segel penyambung) size and quantity: ø32 mm = 6 items
    - e. Chain lenght and size: ø32 mm = 1 stap
    - f. Sinker (ballast) lenght and size: 2×1000kg iron ballast
20. Use of materials:
    - a. Materials used for maintenance:
      Yellow paint 2,5 liters
      Black paint 2,5 liters
      Ac 5 liter
      Af 5 liter
      Oil paint 5 liter
    - b. Anchor materials changing: -
    - c. Lamp changing:
      Previous lamp data:
      Damage category:
21. Buoy condition after maintenance: good
22. Suggestion for next maintenance: since lamp and it machine were taken to samarinda for reparation, please install new lamp. Change buoy with new one

Samarinda, 23 Februari 1995

Acknowledge:	Report:	Officer
Kadisnav Class II Tarakan	Captain KN Mithuna	SBNP
Suryadi	Sukiat	M. Tamzis
Nip. 120044850	Nip. 120116478	Nip. 120147721

Department of Transportation
General Director of Sea Transportation
Navigation District Class. II Tarakan

REPORT OF ELECTRICAL BATTERY BUOY MAINTENANCE

1. No. DSI (Indonesian Lighthouse List): 5313 Location: Alert Reef
   Position: 04°-09'-33"U/118°-15'51"T
2. Colour of light: White. DSI period: FL(6)+L.FL W.EB 15s ((0,5T-0,5G)6:2T-7G)
3. Type of electric lamp no.:............... Type/size:LDEA 05. Trademark: Aga
4. Date of visit: 31-May 1996 by P-3 officer Stateship(KN): Mithuna
5. Date of prior visit: by Stateship(KN)
6. Flasher number: -. Type: Elee 12 . Trademark: Pharos
7. Solar switch: available. Type: LDR. Trademark: Pharos
8. Power of sources: Solar cell. No. 001622; 001169 . Type: - Trademark: Tideland
   Quantity: 1 set. Voltage: 12V. Capacity:....A/hour
9. Total of installed lamp: 6 items. Type/trademark: Filament Ganda. W/A.:10,3V/10W
10. Date of lamp changes: - Quantity: -
11. Lamp light before maintenance: off. Period:-
12. Lamp light after maintenance: on. Period: (0,5T-0,5G)6(2T-7G)
13. Total battery connected: 1 item, whole capacity: 100 A/hour. Voltage: 12 volt.
    Average weight: - Type of battery: primary/secondary*)
    trademark: NS. Used since: -
14. Total battery after maintenance: 1 item, whole capacity: 100A/hour.
    Type of battery primary/secondary*) Trademark: NS Voltage: 12 V
    Average weight:-
15. Use of power in 24 hour: 3,7 A Battery power supply available for: day(until:........
    with/without*) solar switch.
16. Type of Navigation tools visited:
    a. Buoy
       Form: bergaun. Colour: Kuning hitam. Type: G/56
       Medium: 2300 mm, height: 6,56 m, weight: 4 tonnage.
       Peak sign: 2 green cone, peak on the bottom. noon sign: -
    b. Rambu suar
       Colour:.......... height:........ foundation: ....
       Peak sign:........ afternoon sign:...............
17. Determination procedure of buoy position:
    a. Procedure to determine buoy position (describe)
       Gps. determine supposed position
          match with local map (WGS72)
          position taken was medium
    b. Acquired position: 04°-09'-33"U/118°-15'-51"T Sea map no. 59
       ARP(depth): 9,5 meters
    c. Is buoy position correct with position on map and DSI (Indonesian Lighthoses List)?
       Explain course differentiation and distance: Correct

18. Describe maintenance work achieved: Pelsu and anchor were taken to deck for reparation, its ware painted.with AC, relling reparation, baterry check, installed new lamp, clean sollar cell and lamp lens, add accu water.

19. Tools of anchor:

- **a. Spruit (cagak chain) lenght and size: ø32 mm = 2×4,5 meter**
- **b. Voorlop (pelopor chain) lenght and size:**
- **c. Swivel/wartell (kili-kili) size and quantity: ø32 mm = 1 item**
- **d. Joiningshackle (segel penyambung) size and quantity: ø32 mm = 6 items**
- **e. Chain lenght and size: ø32 mm = 1 stap**
- **f. Sinker (ballast) lenght and size: 2×1000kg iron ballast**

20. Use of materials:

- **a. Materials used for maintenance:**
  - **Yellow paint 4liters**
  - **Black paint 4 liters**
  - **Ac 5 liter**
  - **Oil paint 4 liters**
  - **Majun**
  - **Oils**
  - **1 bottle accu water**
- **b. Anchor materials changing:**
- **c. Lamp changing:**
  - **Previous lamp data:**
  - **Damage category:**

21. Buoy condition after maintenance: good

22. Suggestion for next maintenance: provide noon sign (sirip pelsu 4 item)

Samarinda, 31 Mei 1996

Acknowledge: **Kadisnav Class II Tarakan**	**Report:** **Captain KN Mithuna**	**Officer** **SBNP**
Faruk Masmichan **Nip. 12008204**	**Sukiat** **Nip. 120116478**	**Bachrudin** **Nip. 120149174**

Department of Transportation
General Director of Sea Transportation
Navigation District Class. II Tarakan

REPORT OF ELECTRICAL BATTERY BUOY MAINTENANCE

1. No. DSI (Indonesian Lighthouse List): 5317 Location: Alert Reef
   Position: 04°-09'- 33"U/118°-15'51"T
2. Colour of light: White. DSI period: FLW(15S)(0,5T-0,5G); 6 (2T-7G)
3. Type of electric lamp no. 4987. Type/size: ML-140. Trademark: Tideland
4. Date of visit: 24-06-1997 by P-3 officer Stateship(KN): Mithuna
5. Date of prior visit: by Stateship(KN)
6. Flasher number: 319003. Type: Omnibus. Trademark: Tideland
7. Solar switch: available. Type: LDR. Trademark: Tideland
8. Power of sources: Solar cell. No. 75477. Type: BP 225 Trademark: BP
   Quantity: 1 set. Voltage: 12V. Capacity:....A/hour
9. Total of installed lamp: 6 items. Type/trademark: Halogen. W/A. 20 W
10. Date of lamp changes: - Quantity: -
11. Lamp light before maintenance: off. Period:-
12. Lamp light after maintenance: on. Period: (0,5T-0,5G)6×(2T-7G)
13. Total battery connected: 1 item, whole capacity: 100 A/hour. Voltage: 12 volt.
    Average weight: - Type of battery: primary/secondary*)
    trademark: NS. Used since: -
14. Total battery after maintenance: 1 item, whole capacity: 100A/hour.
    Type of battery primary/secondary*) Trademark: NS. Voltage: 12 V
    Average weight:-
15. Use of power in 24 hour: 1,74 A Battery power supply available for: day(until:........
    with/without*) solar switch.
16. Type of Navigation tool visited:
    a. Buoy
       Form: bergaun. Colour: HMMD. Type: E/075
       Medium: 2300 mm, height: 6,56 m, weight: 4 tonnage.
       Peak sign: peak cone on the bottom. noon sign: -
    b. Rambu suar (beacon)
       Colour:.......... height:........ foundation: ....
       Peak sign:........ afternoon sign:...............
17. Determination procedure of buoy position:
    a. Procedure to determine buoy position (describe)
       Gps. determine duga position
          Match with local map (WGS72)
          position taken was average
    b. Acquired position: 04°-09'-33"U/118°-15'-51"T Sea map no. 59
       ARP(depth): 9,5 meters
    c. Is buoy position correct with position on map and DSI (Indonesian Lighthoses List)?
       Explain course differentiation and distance: Correct

18. Describe maintenance work achieved: Pelsu and anchor were taken to deck for reparation, big pelsu was changed with green Pelsu from Tarakan, anchor system and lamp still use the old one

19. Tools of anchor:

- **a. Spruit (cagak chain) lenght and size: ø32 mm = 2×4,5 meter**
- **b. Voorlop (pelopor chain) lenght and size: -**
- **c. Swivel/wartell (kili-kili) size and quantity: ø32 mm = 1 item**
- **d. Joiningshackle (segel penyambung) size and quantity: ø32 mm = 10 items**
- **e. Chain lenght and size: ø32 mm = 1,5 stap**
- **f. Sinker (ballast) lenght and size: 5×1000kg iron ballast**

20. Use of materials:

- **a. Materials used for maintenance:**
  - **Pelsu eks Hijau island Tarakan**
  - **Relling 1 item**
  - **Lamp safety box 1 item**
  - **battery box 1 item**
  - **Yellow paint 2,5 liters**
  - **Black paint 2,5 liters**
  - **Ac paint**
  - **Af paint**
  - **Oil paint**
  - **Lock 1 item**
  - **battery 12v/100 AH 1 item**
- **b. Anchor materials changing: segel ø32 mm =1 item, kili-kili ϕ32 mm 1 item, rantai ϕ032 mm 5 stap**
- **c. Lamp changing:**
  - **Previous lamp data:**
  - **Damage category:**

21. Buoy condition after maintenance: good

22. Suggestion for next maintenance:

Samarinda, 27 juni 1997

Acknowledge:	**Report:**	**Officer**
Kadisnav Class II Tarakan	**Captain KN Mithuna**	**SBNP**

Department of Transportation
General Director of Sea Transportation
Navigation District Class. II Tarakan

REPORT OF ELECTRICAL BATTERY BUOY MAINTENANCE

1. No. DSI (Indonesian Lighthouse List): 5313 Location: Alert Reef
   Position: 04°-09'- 33"U/118°-15'51"T
2. Colour of light: - DSI period
3. Type of electric lamp no.:................ Type/size: - Trademark: -
4. Date of visit: 11-03-1998 by P-3 officer Stateship(KN): Mithuna
5. Date of prior visit: - by Stateship(KN) Duku
6. Flasher number: - Type: - Trademark: -
7. Solar switch: available/none*) Type: - Trademark: -
8. Power of sources: Solar cell. No. 75477. Type: BP 255 Trademark: BP
   Quantity: 1 set. Voltage: 18V. Capacity:....A/hour
9. Total of installed lamp: - Type/trademark: -
10. Date of lamp changes: - Quantity: -
11. Lamp light before maintenance: off. Period:-
12. Lamp light after maintenance: off. Period: -
13. Total battery connected: - , whole capacity: - A/hour. Voltage: - volt.
    Average weight: - Type of battery: primary/secondary*)
    trademark: - Used since: -.
14. Total battery after maintenance: - whole capacity: - A/hour
    Type of battery primary/secondary*) Trademark: - Voltage: - V
    Average weight:-
15. Use of power in 24 hour: - Battery power supply available for: day(until:.........
with/without*) solar switch.
16. Type of Navigation tools visited:
    a. Buoy
       Form: bergaun. Colour: HKHMD. Type: F/075
       Medium: 2300 mm, height: 6,65 m, weight: 4 tonnage.
       Peak sign: 2 cone, one on top, the other on the bottom. Noon sign: 2 cone.
    b. Rambu suar (Beacon)
       Colour:........... height:........ foundation: ....
       Peak sign:........ afternoon sign:...............
17. Determination procedure of buoy position:
    a. Procedure to determine buoy position (describe)
       Gps. determine supposed position
          Match with local map (WGS72)
          position taken was medium
    b. Acquired position. 04°-09'-33"U/118°-15'-51"T Sea map no. 59
       ARP(depth): 9,5 meters
    c. Is buoy position correct with position on map and DSI (Indonesian Lighthouses List)?
       Explain course differentiation and distance: Correct
18. Describe maintenance work achieved: Pelsu was taken to deck for reparation. Yellow paint.

black paint, oil, wire, Ac paint, Af paint.

19. Tools of ~~buoy~~ anchor:
    a. Spruit (cagak chain) lenght and size: ø32 mm = 2×4.5 meter
    b. Voorlop (pelopor chain) lenght and size: -
    c. Swivel/wartell (kili-kili) size and quantity: ø32 mm = 1 item
    d. Joiningshackle (segel penyambung) size and quantity: ø32 mm = 10 items
    e. Chain lenght and size: ø32 mm = 1,5 stap
    f. Sinker (ballast) lenght and size: 5×1000kg iron ballast
20. Use of materials:
    a. Materials used for maintenance:
        Yellow paint 2,5 liters
        Black paint 2,5 liters
        Ac paint 5 liter
        Af paint 5 liter
        Oil paint 5 liter
        Las wire 20 pieces

    b. Anchor materials changing:
    c. Lamp changing:
        Previous lamp data: Lamp TF-3B Omnibus and battery unavailable
        Damage category: 2 Contra ballast unavailable
21. Buoy condition after maintenance: good
22. Suggestion for next maintenance: change pelsu lamp with a new one (this pelsu has many leak).

Samarinda, 14 Maret 1998

Acknowledge: Kadisnav Class II Tarakan	Report: Captain KN Mithuna	Officer SBNP
Faruk Masmichan Nip. 120082044	Akhmad Ramdani Nip. 120122092	Ramli Nip. 120143316

Annex 180

INDONESIAN *NOTE VERBALE*, 236/PO/IV/95/29, DATED 17 APRIL 1995

[illegible]

DEPARTMENT OF FOREIGN AFFAIRS
REPUBLIC OF INDONESIA

Unofficial translation

Number : [illegible]

The Department of Foreign Affairs of the Republic of Indonesia presents its compliments to the Embassy of Malaysia and with reference to the Note of the Ministry of Foreign Affairs of Malaysia No. AT 80/94 dated 27 January 1995, has the honour to state the following :

1. The Government of the Republic of Indonesia rejects the Government of Malaysia's contention in the above-mentioned note relating to the so-called "intrusion by the Indonesian naval and air crafts in Malaysia's territory". The presence of the Indonesian naval vessels in and aircraft over the waters around P. Sipadan and Ligitan is not an act of intrusion but a legitimate exercise of Indonesia's sovereignty and jurisdiction in its territory that is in the southern of the parallel line 4° 10' North Latitude.

2. On the contrary, the Government of the Republic of Indonesia expresses its grave concern over the continuing act of intrusion by the Malaysian naval vessel and aircrafts into Indonesian territorial waters and airspace in the vicinity of Indonesian island of Sipadan dan Ligitan by passing beyond the parallel line 4° 10' North Latitude from 1 January to 31 December 1994. (As attached)

3. In addition, the Government of the Republic of Indonesia reaffirms its utmost concern at the continuation of Malaysia's illegal occupation of Pulau Sipadan and the current activities of Malaysian fishermen building small huts in Pulau Ligitan which are certainly inconsistent with the 1969 understanding between both countries regarding the *status quo* of the said islands as well as the statement made by the Head of the Malaysian delegation at the press conference held after the closing of the Second Joint Working Group meeting in January 1994, in Kuala Lumpur, to the effort that Malaysia will cease the development activities in Pulau Sipadan and Ligitan.

4. In order to maintain the good relationship between the two countries, the Government of Indonesia wishes to reiterate its earnest appeal to the Government of Malaysia to take the necessary measures to prevent further intrusions of Malaysia's naval vessels and aircrafts into Indonesia's territorial waters and airspace around Pulau Sipadan and Ligitan and to respect in good faith the 1969 *status quo* of Pulau Sipadan and Ligitan as well as the statement of the Head of the Malaysian Delegation mentioned above by stopping the illegal activities at the said islands.

The Department of Foreign Affairs of the Republic of Indonesia avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

Jakarta, [illegible] April 1995

The Embassy of Malaysia
Jakarta

Annex 181

DESCRIPTION OF ALERT REEF PREPARED BY THE HEAD OF HYDRO-OCEANOGRAPHY SERVICES

Description on of Alert Reef

For the purpose of checking the shallowness and updating data of waters around Alert Reef, survey and mapping have been done in the area from February 10 to March 12 1994.

The survey was carried out by Indonesian Navy Ship "KRI Jalanidhi" in accordance with the Armed Forces Survey and Mapping Program of 1993/94 and based Operational Plan no: 26-93 on Archipelagic Sealanes II.

The limits of survey are as follow:

a. Alert Reef:

04°10'00N	118°15'30"E
04°10'00N	118°16'30"E
04°07'24N	118°13'36"E
04°08'24N	118°12'50"E

b. Southern part of Alert Reef:

04°05'00N	118°08'00"E
04°05'00N	118°28'00"E
04°00'00N	118°28'00"E
04°00'00N	118°08'00"E

At 04°09'37N - 118°15'51"E, buoy was erected by Indonesian Ships "KRI Jalanidhi" and "KN Bima Sakti". The type of the buoy is triangle, consist of an orange round buoy and an orange square one .

During the survey, three Malaysian Naval Fleets, namely "3144-KD Sri Sabah", "46-KD Rentaka" and "161-KD Marikh" were seen surrounding the area watching the survey activities. The Malaysian naval fleets did not pose any disruption to prevent the survey activities. It could be assumed that Malaysia respects the 04°10'00N line.

The Head of Hydro-Oceanography Services
Navy

Signed

NICOLAS P. ELLO
First Admiral

Annex 182

NOTE R/49/LK/II/1992/DITPAM, SPECIAL REPORT FROM HEADQUARTERS, INDONESIAN NAVY, DIRECTORATE OF SECURITY, DEFENSE AND SECURITY DIVISION, ON MARINE SECURITY, SIPADAN, LIGITAN AND SEBATIK WATERS

CONFIDENTIAL

HEADQUARTERS
INDONESIAN NAVY
DIRECTORATE OF SECURITY

No : R/49/LK/II/1992/DITPAM

SPECIAL REPORT
DIVISION : DEFENSE AND SECURITY
ISSUES : MARINE SECURITY, SIPADAN, LIGITAN AND SEBATIK WATERS

I INTRODUCTION

1. ....

2. ....

3. **FACTS**

a\. **Recorded incidents within the periods of 1991 are:**

- 1) **Arrested ships by the Indonesian security forces:**
  - a) **Malaysian ships PKFM 8922 by Indonesian Naval ships KAL II 231/RUPAT, February 1991**
  - b) **Malaysian fishing vessel "HAPO"1638 by Indonesian Marine Police 617, May 1991, position on 04 04 30 North - 118 05 00 East.**
  - c) **Malaysian fishing vessel "Pulau Banggi", position 03 59 00 North - 118 37 14 East, July 1991.**
  - d) **Other Malaysian fishing vessels arrested by Indonesia Naval ship SRB, July 1991:**
    - 1) **Fishing vessel FKFA 3658, position 03 60 40 North - 100 40 30 East;**
    - 2) **Fishing vessel PKSL 8188, position 03 60 40 North - 100 37 20 East**
    - 3) **Fishing vessel PK 8991 F, position 03 40 40 North - 100 37 20 East**
    - 4) **Fishing vessel PK 3472 F, position 03 03 40 North - 100 37 20 East**
    - 5) **Fishing vessel PKFFA 2519, position 03 06 40 North - 100 30 East**
  - e) **On September 1991, fishing vessel PKFA 4360, position 03 01 30 North - 100 34 10 East**
  - f) **Malaysian fishing vessel PKFA 4477, September 1991, position 03 01 30 North - 106 38 25 East**
- 2)

b **Other incidents and expelled ships/vessels by either Indonesia Navy or**

Malaysian marine security forces.

1) November 1991, position 03 58 00 North - 118 28 00 East, Malaysian naval ship KD. Perkasa instructed the Indonesian customs ship BC 80006 to leave the Malaysian waters.

2) December 1991, position 04 07 40 North - 117 08 10 East, 2.2 nm, Indonesian naval ships KRI DRB made a naval contact with Malaysian patrol boat P213 and instructed the boat to leave the area. The instruction was carried out in an hour later then heading north.

3) December 1991, Indonesia naval ship KRI KKP had a contact with:

   a) Malaysian marine police boat P 213 and a Cessna, position 04 07 00 North - 118 32 00 East and was instructed to leave Indonesian waters

   b) Malaysian naval ship KD Sri Johar, position 04 06 20 North - 118 32 20 East, 4.5 nm, the boat leave the area within an hour heading Tawao

4) Contact happened in January 1992

   a) Contact between Indonesian naval ship KRI BDK with Malaysian naval ship KD Sri Johor, position 04 03 00 North 118°08'30" East on TW 0108 16.30 instructed to head 04 10 North was rejected because the order to patrolled the northern area until 04 north latitude. The two ships then split and the KP Sri Johor leaved the area heading to Tawao.

   b) Contact at northern Sipadan island between Indonesian naval ships KRI BDK with Malaysian marine patrol on TW 0116 16.00

   c) Contact between Indonesian naval ships KRI BDK and Malaysian naval ships KD Sri Malaka TW 01 19 0540 position 04 02 20 North - 118 50 30 East Similar instructions received by KRS BDK point

   d) Contact between KRI BDK and KD Rencong TW 0119 0540 position 04 07 50 North - 118 33 00 East. Instruction received by the KRI BDK is similar with point a), even though on TW 0120 2044 KD Rencong made provocative made until a 100 year of KRI BDK. Position 04 04 00 North - 118 35 00 East Bar 240 on Sipadan island, KRI BDK detected re KD Rencong made a menuvers and of TW 01251015 reading labuhan.

   e) Indonesian naval post NUK detected 2 Malaysian Naval ships with row formation are Headings Tawao. One of the ships re recognized as KD Sri Malaka 3147

   f) KRI BDK made a contact with KD Kerambit 43 on TW 0129 1340 position 04 01 00 U - 118 42 00 T, 8,5 h.m

   g) P-816 detected KD Sri Johor 49 heading Sipadan island pier

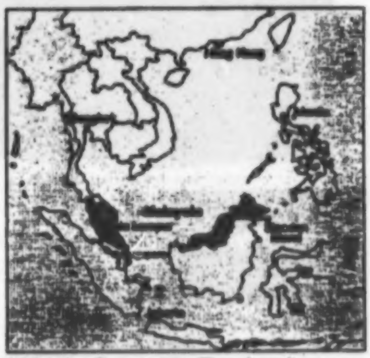
Annex 183

BORNEO DIVERS' WEB SITE PAGE

5

Sipadan Island Dive Lodge

Background



"Selamat Datang" (Welcome) to Sipadan Island! On behalf of the Management and staff of Borneo Divers & Sea Sports (Sabah) Sdn Bhd, we thank you for diving with us at our Sipadan Island Dive Lodge. We sincerely hope your stay with us will be a memorable one.

Sipadan is Malaysia's only oceanic island. This island is actually a rocky outcrop that rises dramatically from the ocean floor. Except for an encircling narrow sand beach, the island, which is covered by a thick crop of rain forest, has a low profile and is less than a mile in circumference. It has an area of 12 hectares (30 acres).

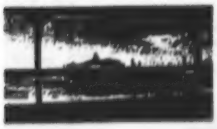
Sipadan was declared a bird sanctuary in 1933 by the colonial Government of North Borneo and regazetted again in 1963 after Independence by the Malaysian Government. There have been quite a large number of bird species spotted on and around Sipadan such as frigate bird; sea eagles, reef egrets, kingfishers, wood pigeons, starlings and sunbirds, and the Nicobar pigeon.

The most notable feature of the invertebrate fauna is presence of the robber or coconut crab (Birgus latro). These large animals live in the strand vegetation and are voracious and robust scavengers.

There are trails on Sipadan Island for those who like to explore the whole vegetation and wildlife that exists.

Legend
Airport

© [illegible] Wong



Presently, the island is in the care of Wildlife Department under the Ministry of Tourism and Environmental Development. The Wildlife Department has stationed several park rangers to oversee the affairs of the island. The Ministry has issued several policies relating to the do's and don'ts on Sipadan island. The first is restricting night walking around the island to minimise disturbance during the process of egg laying by female turtles. One has to obtain permission from the park rangers to watch turtle laying eggs (which will not necessarily be given due to various reasons). Another policy is that collection of flora and fauna, dead or alive, is prohibited.

Facilities

Ledge

- Beach huts accomodation made from Borneo native materials on a Twin-Share basis unless single supplement is paid.
- Huts are equipped with built-in beds with beddings and towels provided, mosquito nets, ceiling fan, electrical light and power points (220v).
- At the moment, we have 16 rooms with attached bathroom. The rest remain as having centralised toilets and showers.
- Solar panels with hot water for showers.
- Large dining hall/bar for meals, socialising, dancing and staff presentations.
- Sundry shop for Borneo Divers' products, sundries, films and etc.
- Radio telephone for mainland and overseas communication.

Photo © Steven Dale Fish

Diving

- We use 28 x 7 foot custom-built fibreglass dive boats powered by twin 85hp outboards.
- Three boat dive a day with one boatman and a Divemaster
- Unlimited Beach Diving and usage of tanks, weight belts and weights only.
- Bauer compressors, aluminium 3000 psi/80 cubic foot tanks with American-style "K" valves, equipment for rental, 220/110v charger for strobes and lights.

Hyperbaric (RECOMPRESSION) Chamber & High Pressure Air Bank

As part of our programme to continually upgrade our facilities at our Sipadan Island Dive Lodge, we have installed a 54" diameter, Twin Lock 4 Man Recompressiion Chamber system for any diving emergency cases on the island.

This facility is to reduce problem of having to evacuate the patient to Labuan, F.T. or other chambers available in the region. This obviously carries some risk to the severity of the patient's condition as well as incurring more expenses for the transportation.

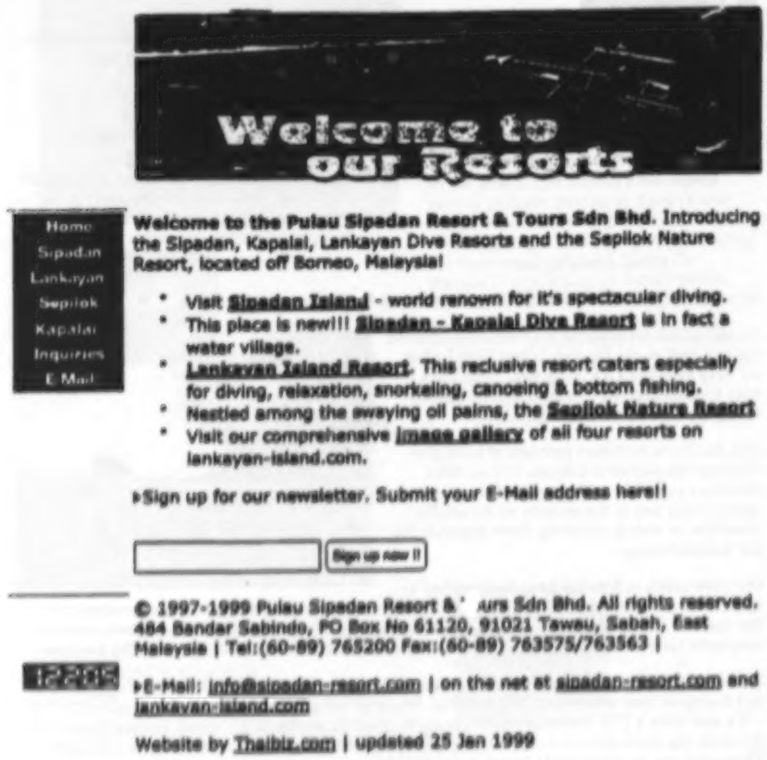
Our personnels in Sipadan have been trained to operate the chamber to be ready at all time if such unfortunate cases happen. The treatment for the chamber is provided to all our guests without charge except for Oxygen consumed, overseas telephone calls for medical consultancy, and/or a medical doctor (if necessary) for the treatment.

However, by having this facility in our lodge we hope that divers will NOT take it for granted and disregard their own safety while diving. We have and will always emphasize SAFE DIVING ! We also offer a TDI-Recompression Chamber Operator course in the island. During this course, the diver can learn about the capabilities, general operation procedure, and safety in a chamber. There will also be an optional "dive" in the chamber.

A new High Pressure Air Bank with a 6 stack Lawrence Factor Filter System to back up the air supply to the chamber and also to give faster and cleaner airfills to our divers. The HP Air is now double filtered for your safety !

Copyright © 1999 Borneo Divers and Sea Sports (Sabah) Sdn Bhd. All rights reserved

Sipadan and diving; welcome to our dive resor... Page 1 of 1



Welcome to the Pulau Sipadan Resort & Tours Sdn Bhd. Introducing the Sipadan, Kapalai, Lankayan Dive Resorts and the Sepilok Nature Resort, located off Borneo, Malaysia!

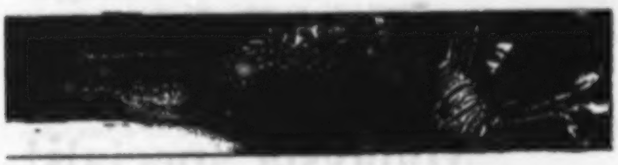
- Visit Sipadan Island - world renown for it's spectacular diving.
- This place is new!!! Sipadan - Kapalai Dive Resort is in fact a water village.
- Lankayan Island Resort. This reclusive resort caters especially for diving, relaxation, snorkeling, canoeing & bottom fishing.
- Nestled among the swaying oil palms, the Sepilok Nature Resort
- Visit our comprehensive image gallery of all four resorts on lankayan-island.com.

▸Sign up for our newsletter. Submit your E-Mail address here!!

© 1997-1999 Pulau Sipadan Resort & Tours Sdn Bhd. All rights reserved. 484 Bandar Sabindo, PO Box No 61120, 91021 Tawau, Sabah, East Malaysia | Tel:(60-89) 765200 Fax:(60-89) 763575/763563 |

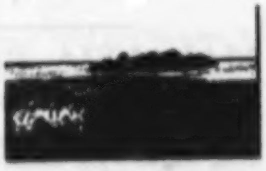
▸E-Mail: info@sipadan-resort.com | on the net at sipadan-resort.com and lankayan-island.com

Website by Thaibiz.com | updated 25 Jan 1999



Home
Sipadan
Lankayan
Sepilok
Kapalai
Inquiries
E Mail

▸Welcome to the Sipadan Island Resort, Borneo, Malaysia:



Off the North Eastern coast of Borneo lies a tiny jewel of an island, Pulau Sipadan, with a marine ecosystem so perfect and unique that it is world renowned as arguably, one of the best dive spots in the world.

Unique, as the only oceanic island in Malaysia, Pulau Sipadan rises as a pristine coral sea mount, 650 meters from the floor of the Sulawesi sea. The ocean teems with a wide range of rare marine species, some of which are totally endemic to the Island. The Island's dense primary jungle remains largely unspoiled by the presence of man, and is populated by the harmless monitor lizard and rare coconut crab.

Green, Hawksbill and Leatherback turtles are regular inhabitants of the island, coming ashore in season to lay their eggs on Sipadan's pristine beaches. Swim with shoals of barracuda, parrot fish, clown fish & the spectacular zebra lion fish.

The Pulau Sipadan Resort provides 3 boat dives daily and unlimited beach dives just in front of the resort.

We have a fleet of custom built fiberglass dive boats powered by twin outboard engines to cater for your daily dives. Each boat is manned by a boatman & divemaster. There is an adequate supply of aluminum, 3000 psi/80 cuft tanks fitted with American style 'K' valves and 4 units of Bauer Compressors to provide a smooth supply of tanks.

The resort supplies weights and tanks. Other diving equipment is available for rent at reasonable prices.

▸Accommodation:

In order to preserve the island's fragile ecosystem, traditional huts made from bilian shingle roofs and nibong walls brought to the island from the mainland provide guests with simple and authentic accommodation.

Bungalow accommodation on a Twin/Triple Share basis unless a single supplement is paid. The Bungalows are equipped with built in beds & bedding, towels, mosquito nets, ceiling fan, and electrical light with 220v power points. Chalets feature hot showers.

Reef and Rainforest MALAYSIA Specials **Page 1 of 2**

Reef & Rainforest
Worldwide Adventure Travel

Malaysia Specials!

Updated October 01, 1998

MALAYSIA- Borneo Divers- Sipadan

August 20 - 31 January 1999 Only!

Join Borneo Divers at the Borneo Lodge on the Sipadan Island for a week of spectacular diving. Step out of your thatched beach hut, across a golden expanse of beach and right into the deep to explore a 2,800 foot vertical wall. Observe schooling hammerheads, sea turtles, and a full array of marine life in this divers paradise. The huts are native style, non-air-conditioned huts made of wood, bamboo and nipah palm. Each hut has twin beds and a sliding bamboo room divider. Some of the huts now have private bathrooms. All have mosquito nets, fans, electric lights, and towels.

- **7 Night Divers Special Price: $700.00**

Price Includes: Transfers from Tawau to Sipadan Island round trip by van or coach and boat, beach hut accommodations, all meals and beverages while at the Diver's Lodge (excluding alcoholic and carbonated beverages), boat diving and unlimited tanks for beach diving and tax.

Price Excludes: Airfare to/from Tawau, alcoholic and carbonated beverages.

- **Please Inquire about Airfare**

Go To Malaysia Destination Page

We look forward to planning your next escape!

REEF & RAINFOREST
4000 Bridgeway, Suite 103
Sausalito, CA 94965-1444
Fax: 415 289-1763

rnrtravel@aol.com

Call 800-794-9767

for more information on the trips we offer worldwide!

The traditional sundeck and dinning area has been constructed to extend out onto the beach from the shade of the jungle tree line. This provides alternatives for sun worshippers, makes it ideal for tea, meals, drinks, and discussions of the day's dives.

Meals are served in the double story spacious recreation/dinning hall. There is a boundless flow of coffee and tea on the house while carbonated drinks and beer can be purchased at the bar. There is also a small shop which sells a range of T-shirts, films, batteries and toiletries.

Shore communication is provided by telephone and fax.

▸Other Benefits:

An abundance of clean, fresh air, this being an island on a big ocean. Our special service of having more staff in our diving team, they will fix any problems with your gear before your dive, all you have to do is transfer your gear and tanks to the boat, we will carry them back when the dive is complete.

We also provide a service where we take you our neighboring islands of Mabul and Kappalai for diving if you stay longer with us.

▸For more info please submit **your Inquiry**.

© 1997-1999 Pulau Sipadan Resort & Tours Sdn Bhd. All rights reserved.
484 Bandar Sabindo, PO Box No 61120, 91021 Tawau, Sabah, East Malaysia | Tel:(60-89) 765200 Fax:(60-89) 763575/763563 |

▸E-Mail: info@sipadan-resort.com | on the net at sipadan-resort.com and lankayan-island.com

Website by Thaibiz.com | updated 02 Jan 1999

The publications of the INTERNATIONAL COURT OF JUSTICE may be ordered from any bookseller. For information regarding the sale of the Court's publications please write to the following:

United Nations Publications, 300 East 42nd Street, Room IN-919 J, New York, NY 10017,
United States of America. Tel. (+1-212) 963 83 02. Fax (+1-212) 963 34 89. E-mail:
publications@un.org

All enquiries other than with regard to purchase of publications should be addressed to the *Registrar of the International Court of Justice, Peace Palace, 2517 KJ The Hague, Netherlands*. Tel. (+3170) 302 23 23. Fax (+3170) 364 99 28. E-mail: mail@icj-cij.org

On peut acquérir les publications de la COUR INTERNATIONALE DE JUSTICE auprès des librairies spécialisées du monde entier. Pour tous renseignements, prière de s'informer à l'adresse suivante:

United Nations Publications, 300 East 42nd Street, Room IN-919 J, New York, NY 10017,
Etats-Unis d'Amérique. Tél. (+1-212) 963 83 02. Télécopie (+1-212) 963 34 89. Adresse
électronique: publications@un.org

Pour toutes questions autres que l'achat de publications, s'adresser à *Monsieur le Greffier de la Cour internationale de Justice, Palais de la Paix, 2517 KJ La Haye, Pays-Bas*. Tél. (+3170) 302 23 23. Télécopie (+3170) 364 99 28. Adresse électronique: mail@icj-cij.org

IMPRIMÉ EN FRANCE
PRINTED IN FRANCE

9 789210 710749

ISSN 0074-4433
ISBN 978-92-1-071074-9